



PERSONNEL POLICIES PROCEDURE MANUAL

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**ACKNOWLEDGEMENT – RECEIPT OF MANUAL AND
UNDERSTANDING OF EMPLOYMENT AT WILL POLICY**
Non-Collective Bargaining Employees

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known as "employment at will." Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

**ACKNOWLEDGMENT OF RECEIPT AND
UNDERSTANDING BY EMPLOYEE**

By my signature below, I certify that:

- I have received a copy of this Manual
- I have read and have become familiar with the terms of the Manual. I understand that the Manual is not a contract.
- I understand that the Manual supersedes and replace all prior personnel policies and procedures, whether oral or written, that may previously have existed. Any such prior personnel policies and procedures are void and of no effect whatsoever.
- Specifically, I have read the "**EMPLOYMENT AT WILL POLICY**" and understand that the Borough of Matawan has the absolute right to terminate me at any time, with or without cause and with or without notice.

(Print Name of Employee)

Employee's Signature

Date

(Print Name of
Management Witness)

Signature of
Management Witness

Date

**ACKNOWLEDGEMENT – RECEIPT OF MANUAL AND
UNDERSTANDING OF EMPLOYMENT AT WILL POLICY
Collective Bargaining Employees**

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known as “employment at will.” Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

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- I have received a copy of this Manual
- I have read and have become familiar with the terms of the Manual. I understand that the Manual is not a contract.
- I understand that the Manual supersedes and replace all prior personnel policies and procedures, whether oral or written, that may previously have existed. Any such prior personnel policies and procedures are void and of no effect whatsoever.
- This Manual also covers union employees to the extent that their collective bargaining agreements do not cover these issues.

<u>(Print Name of Employee)</u>	<u>Employee's Signature</u>	<u>Date</u>
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<u>(Print Name of</u>	<u>Signature of</u>	<u>Date</u>
<u>Management Witness)</u>	<u>Management Witness</u>	

GENERAL PERSONNEL POLICY:

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

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Borough Council upon the advice of the Borough Administrator. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Borough Council as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for the personnel policies and procedures. The Borough Council has appointed the Personnel Officer to assist the Borough Administrator to implement personnel practices. The Borough Administrator and Personnel Officer shall also have access to the Labor Attorney and such other legal counsel appointed by the Borough Council for guidance in personnel matters.

As a general principle, the Borough has a "no tolerance" policy towards workplace wrongdoing. Borough officials, employees and independent contractors are to report anything perceived to be improper. The Borough believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, or Borough Administrator.

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

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known, as "employment at will." Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

INTRODUCTION

STATEMENT OF POLICY

The objectives of the Mayor and Council of the Borough of Matawan in the management of personnel matters are as follows:

- (1) To provide equal employment opportunity for all people and to obtain well-qualified persons for all positions without regard to race, color, creed, national origin, ancestry, age, marital status, sexual orientation, or sex. Employment shall be based on merit and fitness, free of personal and political considerations.
- (2) To maintain the high reputation of the government as an employer and to contribute to constructive community relations.
- (3) To maintain a public service of high competence and character.
- (4) To provide employees with proper supervision, instruction, and working conditions so that they may render the best possible service.
- (5) To foster in managers, supervisors and employees an attitude of responsive service to the public.
- (6) To treat employees, individually and in groups, equitably and fairly; to help them achieve personal satisfaction and pride in their work; and to enhance their opportunities for career advancement through training and utilization of their abilities.
- (7) To base promotion solely upon the qualifications of the individual candidates to meet the total requirements of the position.
- (8) To give first consideration in filling vacancies to qualified borough employees.
- (9) To utilize all personnel wisely and economically.
- (10) To expect and require employees to do the best work of which they are capable; to be loyal and conscientious; to present and conduct themselves in a proper manner; and to treat all with whom they come in contact with consideration and courtesy.
- (11) To provide employees competitive salaries and benefits.
- (12) To carry out public policy as expressed laws, regulations, or otherwise and to conduct the affairs of government with courtesy, honesty and integrity.
- (13) All municipal employees, volunteer members of municipal bodies, elected and appointed officials, and full and part time employees, inclusive of professional contract employees and agents of the Borough of Matawan at all times, while representatives of the Borough comport themselves with each other, the public and all other individuals with whom they come into contact with utilizing professionalism and civility at all times in the workplace.
- (14) No taping, video, or audio recording of any type shall be permitted to be utilized on Borough property by Borough employees in their interaction with each other without the express written permission of the Borough Administrator. Nothing in this section precludes any recording as part of a

Police or other Law Enforcement Investigation or function as permitted by law.

SECTION ONE – EMPLOYEE RIGHTS & OBLIGATIONS

Americans with Disabilities Act Policy and Pregnant Workers

Fairness:

The Borough of Matawan complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act and the federal Pregnant Workers Fairness Act ("PWFA"). The Borough of Matawan will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. The Borough of Matawan also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities or with known limitations related to pregnancy, childbirth or related medical conditions, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The Borough of Matawan's nondiscrimination policy applies to all aspects of the Borough of Matawan-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

Definitions. The Americans with Disabilities Act defines an individual with a disability as any person who:

1. has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions, such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job

or work environment that does not impose an undue hardship on the Borough of Matawan, or that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

The Pregnancy Workers Fairness Act ("PWFA") defines "pregnancy and childbirth" as meaning the pregnancy or childbirth of the specific employee in question and includes, but is not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth.

Requesting Accommodation. Qualified employees or prospective employees with disabilities, or who need accommodations due to pregnancy, childbirth, or related medical conditions, may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to the Borough of Matawan, attention the Business Administrator. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, or include an explanation of the pregnancy-related limitation and identify the nature of the accommodation or consideration desired.

The Borough of Matawan may require the employee to provide adequate medical or other appropriate documentation of the disability or pregnancy or childbirth-related condition and the need for the desired accommodation. The Borough of Matawan will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability or employee affected by pregnancy or childbirth unless the accommodation would impose an undue hardship on the Borough of Matawan's business operation.

To further the Borough of Matawan's nondiscrimination policy, the Borough of Matawan will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- Determine whether a reasonable accommodation can be made for qualified individual.

Reasonable accommodations that the Borough of Matawan may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:

- Making existing facilities accessible and usable;
- Job restructuring;
- Part-time or modified work schedules;
- Acquiring or modifying equipment or devices;
- Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
- Reassignment to a vacant position.

In the case of an employee needing accommodations for pregnancy or childbirth, a reasonable accommodation may include the temporary suspension of essential functions

and/or modifications or adjustments that permit the temporary suspension of essential functions.

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

The Borough of Matawan is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any applicant or employee has questions concerning the Borough of Matawan's equal employment opportunity policy, he or she should contact the Borough of Matawan.

All decisions with respect to accommodations shall be made by the Borough Administrator.

Anti-Discrimination Policy:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Administrator, or the Personnel Officer.

Civil Rights Act Policy

It is the policy of the Borough of Matawan to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act.

Section 1: No official, employee, appointee or volunteer of the Borough of Matawan by whatever title known, or any entity that is in any way a part of the Borough of Matawan shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Borough of Matawan's business or using the facilities or property of the Borough of Matawan.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Matawan to provide services that otherwise could be performed by the Borough of Matawan.

Section 3: Discrimination, harassment and civil rights shall be defined for the purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Matawan as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Matawan. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Matawan's web site.

Contagious/Life Threatening Illness Policy

The Borough of Matawan is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The Borough of Matawan respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The Borough of Matawan provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Borough of Matawan's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life-threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public. Employees with such conditions, who are able to meet appropriate standards and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

Consistent with the concern for employees with life-threatening illness, The Borough of Matawan offers the following resources through the human resources official:

- 1) Employee education and information on terminal illnesses and specific life-threatening illnesses.
- 2) Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
- 3) Consultation in assisting employees in efficiently managing health, leave and other benefits. The Borough of Matawan encourages employees who need these resources to contact the human resources official.

Equal Employment Opportunity Policy

The Borough of Matawan is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws. Under no circumstances will the Borough of Matawan discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy, breastfeeding, childbirth, liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law. Accordingly, decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, Business Administrator, or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

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

Safety Policy

The Borough of Matawan endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees

Occupational Safety and Health Act ("PEOSHA"). The Borough of Matawan is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Borough of Matawan's facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Business Administrator. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

Transitional Duty Policy:

The Borough will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty (formerly known as "Light 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 continue indefinitely. 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 Borough Administrator 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 probably be able to perform the essential functions of the position after the transitional duty period. The Borough Administrator 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 Borough Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request and will notify the employee of the decision. The Borough 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 Borough Administrator 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 Borough Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Borough Administrator informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, the Borough of Matawan, County of Monmouth, State of New Jersey reserves the right at its sole discretion to extend the 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 or other Federal or State law.

SECTION TWO – ALCOHOL AND DRUG-FREE WORKPLACE POLICY

NOTICE TO ALL EMPLOYEES AND APPLICANTS

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, these employees are governed by Federal and State regulations, as well as the attached CDL Drug and Alcohol Testing Policy (Appendix A).

Employees hired with the understanding that they must obtain a CDL license will be covered under this Alcohol and Drug-Free Workplace Policy until they obtain their CDL license.

Drug-Free Workplace

The Borough of Matawan is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This is considered a Health & Safety Policy of the Borough of Matawan. This Policy highlights the Borough of Matawan's New Jersey Drug-Free Workplace Policy. The Borough of Matawan's Designated Borough of Matawan Representative (DER) is ***Borough Administrator***. The Alternative DER is ***Deputy Borough Administrator***.

The Borough of Matawan recognizes the prime importance to the Borough of Matawan of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the Borough of Matawan has no intention of intruding into the private lives of its employees, the Borough of Matawan does expect employees to report to work unimpaired able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity, and workplace morale. Co-workers may feel that they have to cover up or work harder because of someone's substance abuse. Ultimately an employee with an

alcohol or drugs problem may lose their job and/or suffer devastating effects on their health. The Borough of Matawan has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty. The failure to honour that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work for the Borough of Matawan managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

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

All testing information is considered confidential information by the Borough of Matawan and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the Borough of Matawan with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the employee against the Borough of Matawan in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the employee in writing, the MRO, Borough of Matawan insurers, rehabilitation programs and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to our **Employee Assistance Program (EAP) Substance Abuse Professional (SAP)** for a confidential evaluation and referral for substance abuse treatment if necessary. Notice of the Borough of Matawan's New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on Borough of Matawan premises.

Our program can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the Borough of Matawan safer, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment, except to the extent this policy may conflict with a current collective bargaining agreement (CBA), which CBA shall prevail. The Borough of Matawan has developed its drug-free workplace policy in compliance with New Jersey Laws, *and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities*. Applicant testing will begin immediately and sixty (60) days after the effective date of *****Effective Date*****, all employees are subject to testing as outlined below. The existing drug and alcohol testing program will remain in place until the effective date of this program.

- **WHO DO WE TEST?** - All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following

positions have been classified by the Borough of Matawan as safety-sensitive: ****attached list of job classifications****. Elected officials who are not otherwise classified as employees are not subject to testing under this Policy.

- **SAFETY-SENSITIVE CLASSIFICATIONS** - Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery, sharp objects, working at heights, positions requiring a high level of cognitive function, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety-sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, forklift operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and those involved in security functions. All Department of Transportation (DOT) regulated employees are determined to be safety-sensitive by those regulations. Unless an employee comes under drug testing regulations of some federal agency, each position, job classification or department, should be individually evaluated to determine whether the employee is safety-sensitive in accordance with the above guidelines. (Attach safety-sensitive job classifications on separate sheet if necessary.)
- **HOW DO WE TEST?** - Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New York Department of Health, New Jersey Department of Health, or CLIA. Specimens subject to testing include urine, breath, hair, oral fluids, or blood. Specimen collections, chain of custody and drug and alcohol tests will be in substantial compliance with the U.S. Department of Transportation (DOT) procedures if applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two highly sophisticated scientific tests including adulterant detection, and are reported to an independent certified Medical Review Officer prior to being released to the Borough. Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender. The Medical Review Officer may recommend the collection of an alternate specimen (e.g., oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified laboratory and that the test results were valid. The Borough of Matawan provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program whose physical condition prevents them from producing a urine specimen suitable for testing. You may contact the DER if you wish to make an accommodation request. In accordance with Borough of Matawan policy, a test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting; and a second negative dilute urine test will render an applicant ineligible for hire and current employees, where a negative test is required, not currently fit for duty. FDA approved

on-site screening devices may be utilized with all initial positive results confirmed by laboratory testing.

All positive initial tests are confirmed by GC/MS at established DOT cut off levels. An Alcohol content of 0.04 or higher using a DOT approved alcohol screening device, or breath alcohol device, is classified as a positive test. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opioids, designer drugs, or a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs, or impairing effect medications or substances, taken by employees working in a safety-sensitive classified position, in order for the Borough of Matawan to fulfill its duty to provide a safe place to work as a safety rule. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

- **WHAT IF YOU TEST POSITIVE?** - The Medical Review Officer will contact you confidentially to give you an opportunity to discuss your results before reporting them to the Borough of Matawan as a verified positive. You may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the Borough of Matawan for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the Borough of Matawan that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Borough of Matawan if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the Borough's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

As it relates to cannabis, an employee will be subject to adverse action if there is both a positive drug test, confirmed by a licensed laboratory, and a determination of reasonable suspicion based on documentation of physical signs or other evidence of impairment during the employee's work hours. When the New Jersey Cannabis Regulatory Commission issues standards for certification of a Workplace Impairment Recognition Expert ("WIRE"), an employee will be subject to adverse action if there is both a positive drug test and a physical evaluation by a WIRE.

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for cannabis, except for law enforcement officers

assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for cannabis by the terms of a federal contract or federal grant.

- **WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?** - Often, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use Borough of Matawan provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of Borough of Matawan Policy.
- **WHAT ABOUT IMPAIRING EFFECT MEDICATIONS OR SUBSTANCES?** - Any employee working in a safety-sensitive position as defined by Borough of Matawan Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Borough of Matawan reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The employee need not disclose to the Borough of Matawan the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Borough, will make the final determination on the safety-related risks of any particular medication or substance.
- **WHAT IF AN ADULTERANT IS FOUND?** - The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if you attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10*. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.
- **WHAT IF I REFUSE?** - A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful

misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer to be withdrawn and will subject an employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours, of being directed to do so is also classified as a refusal under the Borough of Matawan Policy.

- **DRUG EDUCATIONAL INFORMATION** - Attached to this Policy you will find drug educational information to assist you in recognizing the impairing effects of drug use. The Borough of Matawan will conduct employee education of substance abuse education and awareness and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the EAP.
- **WHAT IF YOU HAVE A SUBSTANCE ABUSE PROBLEM?** - The Borough of Matawan will provide support for employees who need support and help with alcohol or drug dependency via confidential Employee Assistance Program (EAP), Substance Abuse Professional (SAP) or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g. where a person is working in a safety critical role) while the individual is receiving treatment. However, the fact that an employee is seeking or undergoing treatment will not be a defence to a charge of wilful misconduct if the employee reports for work under the influence of alcohol or drugs. Our Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through our EAP/SAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP/SAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP, and may also be available under the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The Borough of Matawan will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national **Substance Abuse Resources** is a part of this Policy.
- **WHAT ABOUT A LAST CHANCE OPPORTUNITY?** - No last chance opportunity is available to a probationary, part time or temporary employee, or in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Employees who receive an EAP/SAP evaluation favorable for rehabilitation may be offered a last chance agreement which will subject the employee to unannounced follow-up testing for up to 12 months, together with other educational and counseling requirements as recommend by the EAP/SAP. A negative return to duty test is required to be placed back on active duty. A positive test, refusal or failure to comply with any term of the last chance agreement during this follow-up period will subject the employee to immediate termination.
- **WHY AND WHEN DO WE TEST?**
 - ◇ Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment.

- ◇ Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.
- ◇ Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the Borough of Matawan has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the employee will not suffer a loss of pay.
- ◇ Post-Accident/Incident Testing: Testing of a safety-sensitive employee may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee's action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Borough of Matawan's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers' Compensation Carrier or Fund.
- ◇ Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees. Non-DOT safety-sensitive employees may be included in a Non-DOT testing "pool." DOT regulated employees should only be placed in a DOT testing "pool."
- ◇ Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

• **POLICY PROHIBITIONS**

Employees, applicants and Contractors for the Borough of Matawan are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Borough of Matawan premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:

- a. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
- b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Borough of Matawan premises or property, including Borough-owned or leased vehicles, or vehicles used for Borough of Matawan purposes.
- c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
- d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Borough of Matawan will refer such matters to the appropriate police authority.
- e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify Borough of Matawan in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough of Matawan and other factors related to the impact of the employee's conviction on the Borough.
- f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
- g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
- h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Borough of Matawan or its designee, is a violation of Borough of Matawan Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
- i. Failure to advise pre-duty the Borough of the use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.

j. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.

2. With respect to alcohol and cannabis, employees violate this Policy by engaging in the following conduct during work time or on Borough of Matawan premises or property:

a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol or cannabis on Borough of Matawan premises or property, including Borough of Matawan owned or leased vehicles, or vehicles used for Borough of Matawan purposes.

b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol or cannabis. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol or cannabis. As it relates to a positive drug test for cannabis, an employee violates this policy if there is both positive drug test and evidence-based documentation of physical signs or other evidence of impairment during the employee's work hours. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*

c. A conviction or plea of guilty relative to any criminal alcohol or cannabis offense occurring in the workplace. All employees must notify Borough of Matawan in writing of any criminal alcohol or cannabis conviction not later than five calendar days after such conviction. Alcohol or cannabis use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol or cannabis offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough of Matawan and other factors related to the impact of the employee's conviction on the Borough.

d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol or drug testing, medical or physical tests or examinations, when requested or conducted by Borough of Matawan or its designee, is a violation of Borough of Matawan Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

f. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol or cannabis.

How Can You Help?

- I. If you are doing drugs – STOP!
- II. If you need help – ASK!
- III. If you know someone at work who is doing drugs – TAKE ACTION!
- IV. Don't let someone else's drug or alcohol problem be the cause of an ON THE JOB INJURY!

Only with your help can we truly have a safe, pleasant, and productive environment at the Borough

Borough of Matawan
201 Broad Street
Matawan, New Jersey 07747
Phone: 732-566-3898
Drug Educational Information
Alcohol (Depressant)

Common Forms:	Beer, wine, hard liquor
How Used:	Oral ingestion, patterns of use vary.
Desired Effect:	People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.
Time in body:	Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is effected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.
Observable effects:	Staggering gait Slurred speech Odor of alcoholic beverage Shaky hands Poor eye-hand coordination Slowed reaction time Eyes react slowly to light - wears sun glasses
Work behavior:	Arrive late, leave early, mis-outs Neglect of physical appearance Restlessness Tremors (hands, face, fingers, lips tongue) Slurred speech Uninhibited - makes inappropriate remarks
Material Indicators:	Empty liquor bottles, cans, often in paper bags Flasks, sometimes disguised as other things
Slang Terms	Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc

Amphetamine and Methamphetamine (Stimulants)

Common forms:	Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.
How used:	Orally, sniffed up the nose, or injected.
Desired effects:	Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.
Time in body:	Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.
Observable effects:	Dilated pupils. Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen: person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.
Work behavior:	Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.
Material Indicators:	Pills, capsules, white powder, granular crystals, Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections
Slang terms:	Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties

Cocaine (Stimulant)

Common forms:	Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"
How used:	Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.
Desired effect:	Most commonly sought after effects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.
Time in Body:	Single doses detectable for 12-24 hours
Observable effects:	Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness
Work issues:	Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep
Material Indicators:	Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke

	spoons. Small glass pipes, and heat sources used to volatilize crack.
Slang terms:	Coke, snow, toot, crack, blow, happy dust, "C"

Marijuana (stimulant, depressant, hallucinogen and a narcotic)

Common forms:	Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).
How used:	Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.
Desired effects:	Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.
Time in body:	Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users
Observable effects:	Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e. going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.
Work issues:	Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.
Material indicators:	Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.
Slang terms:	Dope, grass, reefer, weed, ganja, pot, etc.

Opioids - Morphine and Codeine (Narcotic Depressants)

Common forms:	Street forms are pills, liquids, and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric." Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid and is also found in products containing poppy seeds. Heroin is a semi synthetic derivative of morphine.
How used:	Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.
Desired effects:	Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user

	experiences a "rush" described as a very pleasurable whole body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.
Time in body:	Single doses are usually detectable for 48-72 hours.
Observable effects:	Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"--the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.
Work issues:	Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).
Material indicators:	Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.
Slang terms:	Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

Phencyclidine - PCP (hallucinogen, stimulant, depressant, and anesthetic)

Common forms:	Pills, liquid, powder, and PCP cigarettes
How used:	Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.
Desired effects:	Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).
Time in body:	Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.
Observable effects:	Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).
High doses:	Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.
Work issues:	Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.
Material indicators:	Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.
Slang terms:	PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc.

Substance Abuse Professionals / Organizations

NATIONAL RESOURCES

A2Z Alcohol & Drug Abuse-Addiction	1-800-274-2042
Al-Anon/Al-Ateen Family Group Headquarters	1-800-356-9996
Alcoholics Anonymous World Service	1-212-870-3400
American Council on Alcoholism Helpline	1-800-527-5344
800 Cocaine--An Information and Referral Hotline	1-800-262-2463
Nar-Anon Family Group Headquarters	1-310-547-5800
Narcotics Anonymous	1-818-773-9999
National Association of Alcoholism (NAADAC)	1-800-548-0497
www.naadac.org Fax:	1-800-377-1136
National Association of Addiction Treatment Professionals	1-717-581-1901
www.naatp.org	
National Council on Alcoholism and Drug Dependence, Inc.	1-212-269-7797
www.ncadd.org	
Hope Line (24-hour affiliate referral)	1-800-NCA-CALL
Center for Substance Abuse Prevention's Workplace Hotline...	1-800-WORKPLACE

National Clearinghouse for Alcohol & Drug Information 1-800-729-6686

Center for Substance Abuse Prevention's Drug Information,
Treatment & referral Hotline 1-800-662-HELP
(Spanish-Espanol)..... 1-800-66-AYUDA

DESIGNATED EMPLOYEE REPRESENTATIVE (DER) **GUIDELINES ON USE OF FORM TOOLKITS**

The following are helpful tips the DER and/or alternate DER may wish to consult in fulfilling their duties and responsibilities:

Getting Started:

Populate the **Drug and Alcohol Testing Policy Development Worksheet** with the information specific to your entity and have this reviewed by legal counsel. As part of this process, you should complete the **Determination of Safety-Sensitive Positions [DFW04]**. That is a significant role in designating those as safety-sensitive in your policy.

Establish date for introduction of the **Drug and Alcohol Testing Policy** to employees. This Policy includes the following parts: (1) Policy, (2) Drug Education Information, (3) Substance Abuse Professionals resource list. You should secure a drug and alcohol awareness video for the meeting and send out notice of meeting date and time. Make a copy of the **Policy** for each employee. **Note:** the **Forms Toolkit** and **DER Guidelines** are not to be given to the employees at the meeting but can be viewed by them at any time.

On the date of the employee awareness training, have an **Employee Awareness Training Session Log** out for employees to sign. Distribute to each employee the following 4 part Policy: **Drug and Alcohol Testing Policy, Drug Education Information, Substance Abuse Professional resource list, and the Active Employee Certificate of Agreement, Receipt of Drug-Free Workplace Policy Consent Form**. Then walk through significant Policy provisions. At the end of the program have each

active employee sign the **Active Employee Certificate of Agreement Receipt of Employee Policy Statement Consent Form [DFW01]** and place in their personnel file.

Establish a time and date to conduct reasonable suspicion training for supervisors. This training should be one hour for alcohol and one hour for drugs and conducted by someone who can issue certifications of such training.

Prepare file folders for your Drug and Alcohol Testing Policy records retention and maintain these files separate from personnel files as you would medical records.

Select a Certified Medical Review Officer, Laboratory, collection site and Third Party Administrator to assist with your program.

Applicant/Employee Testing

Have all applicants sign the **Pre-Employment Substance Testing, Consent and Release Form [DFW02]** before you schedule them for a pre-employment drug test.

If the employee fails to show for testing on time, you should receive a call from the collection site. Failure to show up on time is usually determined to be a "refusal to test" subjecting the employee to discipline or rejection of application under your **Policy**. If there is a refusal, you may wish to consider faxing an **Acknowledgment of Consequences of Refusal to Participate in Drug or Alcohol Testing [DFW03]** to the collection site while the employee is still present.

CMRO Report

You should get to know your Certified Medical Review Officer (CMRO) and request that he/she explain their role and answer your questions.

Post-Accident

In the event the employee is involved in a work place accident, check that the employee is drug tested in accordance with your Policy and worker's compensation requirements.

Reasonable Suspicion

The trainer that you have selected for Supervisory Reasonable Suspicion training should be able to provide you both Contemporaneous and Long-term Observation checklists.

Refusal to Submit to Testing

Use **Acknowledgment of Consequences of Refusal to Participate in Drug or Alcohol Testing [DFW03]** and have two (2) supervisors sign verifying that refusal.

Removal from Safety-Sensitive Duty on a Verified Positive or Refusal

Do not wait on the CMRO's written report but act upon the CMRO's oral report of verified positive drug test, adulterated or substituted drug test.

Borough of Matawan **Active Employee Certificate of Receipt Form [DFW01]**

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I do hereby certify that I have received and read the New Jersey Drug-Free Workplace Policy, which explains the Borough's adherence to New Jersey Laws. I have had the terms and conditions of the Borough's Drug and Alcohol Testing policy explained to me relative to screening or tests by the Borough, for the purpose of determining the presence of, and content of, any or all of the following substances under circumstances as set forth in the Borough's Policy:

- | | |
|-----------------|------------------------|
| 1. Amphetamines | 4. Phencyclidine (PCP) |
| 2. Cannabinoids | 5. Cocaine |
| 3. Opioids | |

Testing may also include a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

I understand that any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits.

POSITIVE DRUG OR ALCOHOL TEST, OR REFUSAL CONSEQUENCES:

- 1) Classified as a positive test or refusal to test
- 2) Discharge from employment
- 3) Possible disqualification from Workers' Compensation Benefits

4) Possible disqualification from Unemployment Compensation Benefits

I also understand that it is not the purpose of this test to identify any disability I may have and that all activities will be conducted in accordance with ADA regulations.

I also understand that the Borough of Matawan and/or its designated representative will collect specimens for testing for the purpose of determining the presence of, and content of, drug and alcohol substances, as well as to obtain results from any alcohol or drug test administered post-accident by law enforcement and release of the results of said tests to the Borough, its DERs, to the Borough's Medical Review Officer, and as set forth in the Policy.

Employee Printed Name: _____

Employee Signature: _____ Date: _____

Witness Printed Name: _____ Witness Signature: _____

(This form is to be signed by employee and retained in personnel file.)

BOROUGH OF MATAWAN PRE-EMPLOYMENT SUBSTANCE TESTING CONSENT AND RELEASE FORM [DFW02]

I do hereby certify that I have been given notice of the Borough's pre-employment substance abuse testing policy; that I have been provided with access to a copy of the Borough's New Jersey Drug-Free Workplace Policy and have been made a conditional offer of employment. I hereby freely and voluntarily consent to submit to tests as shall be determined by the Borough of Matawan in the selection process of final applicants for employment, for the purpose of determining the presence of, and content of, any or all of the following substances:

- | | |
|--|------------------------|
| 1. Amphetamines | 4. Phencyclidine (PCP) |
| 2. Cannabinoids (for certain employment positions) | 5. Cocaine |
| 3. Opioids | |

Testing may also include a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

I agree that the Borough of Matawan representative, collection site, physician, or clinic may collect these specimens for screening or testing and may screen them or forward them to a testing laboratory for analysis.

I further agree to and hereby authorize the release of the results of said tests to the Borough, its DERs, and to the Borough's Medical Review Officer and its agents as provided in the Policy.

I understand that a negative test is a pre-condition of employment with the Borough of Matawan and that refusal to submit to testing, or a positive test result will result in the rejection of my application, or the rescinding of a conditional offer of employment. I also understand that it is not the purpose of this screen or test to identify any disability I may have and that pre-employment screening and testing activities are conducted in compliance with ADA requirements.

I further agree that a reproduced copy of this pre-employment consent and release form shall have the same force and effect as the original and shall continue while my application is being considered and during any post-consideration proceedings. I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant: Print name: _____ SS# _____

Applicant Signature: _____ Date _____

Witness Printed Name: _____ Witness Signature: _____

BOROUGH OF MATAWAN

ACKNOWLEDGMENT OF CONSEQUENCES REFUSAL TO PARTICIPATE IN DRUG TESTING FORM [DFW03]

I, _____, an employee of the Borough of Matawan, acknowledge that I am refusing to report for Drug and Alcohol testing in accordance with the requirements of Borough of Matawan New Jersey Drug-Free Workplace Policy. I am aware that I am in violation of the Policy. I am aware that I am subject to certain adverse consequences as a result of my choice.

REFUSAL CONSEQUENCES:

- 1) Classified as a refusal to test**
- 2) Possible Discharge from employment**
- 3) Possible Disqualification from Workers' Compensation Benefits**
- 4) Possible Disqualification from Unemployment Compensation Benefits**

I have read this Acknowledgment of Consequences of Refusal to Participate in Drug Testing and understand it.

Employee Signature Date

Witness Signature Witness Address (city, state, zip)

(If employee refuses to sign, please have two witnesses sign below)

Witness 1 Signature Witness 2 Signature

Witness 1 Address (city, state, zip) Witness 2 Address (city, state, zip)

**Borough of Matawan
Determination of Safety-Sensitive Positions [DFW04]**

To: ***DER***
From: ***Safety-Sensitive Evaluator***
Re: Determination of Positions Classified as Safety Sensitive

I have reviewed the job descriptions and duties for the following positions and have determined that they meet the criteria for a safety-sensitive position as set forth in the Policy, in that:

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include handling of potentially dangerous machinery, sharp objects, working at heights, positions requiring a high level of cognitive function, mostly unsupervised responsibility for children, and handling of hazardous substances in an environment where others could be injured. Positions which have been found to be safety-sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, forklift operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and those involved in security functions. All Department of Transportation (DOT) regulated employees are determined to be safety-sensitive by those regulations. Unless an employee comes under drug testing regulations of some federal agency, each position, job classification or department, should be individually evaluated to determine whether the employee is safety-sensitive in accordance with the above guidelines.

Using the above criteria, the following positions have been classified by the Borough as safety-sensitive: ****attached list of job classifications*** or set forth below*. Elected officials who are not otherwise classified as employees are not subject to testing under this Policy.

Safety sensitive job classifications

Safety-Sensitive Evaluator

Date

SECTION THREE – POLICY PROHIBITING WORKPLACE VIOLENCE:

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

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

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

All threats or acts of violence occurring on Borough of Matawan property, regardless of the relationship between the Borough of Matawan and the parties involved in the incident.

All threats or acts of violence not occurring on Borough of Matawan property but involving someone who is acting in the capacity of a representative of the Borough of Matawan.

All threats and acts of violence not occurring on Borough of Matawan property involving an employee of the Borough of Matawan if the threats or acts of violence affect the legitimate interest of the Borough of Matawan.

Any threats or acts resulting in the conviction of an employee or agent of the Borough of Matawan, or of an individual performing services on the Borough of Matawan’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 Borough of Matawan.

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

Hitting, fighting, pushing, or shoving an individual or throwing objects;

Threatening to harm an individual or his/her family, friends, associates, or their property;

The intentional destruction or threat of destruction of property owned, operated, or controlled by the Borough of Matawan;

Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;

Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Borough of Matawan;

Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;

Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;

Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Borough of Matawan property.

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

Warning Signs, Symptoms and Risk Factors. The following are examples of warning signs, symptoms, and risk factors which MAY indicate an 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;
- 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 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 or the local police department. In instances that are not emergency situations, contact your Department Head or the designated human resources official. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 or the local police department, and contact your Department Head or the designated human resources official. The Department Head will contact the designated human resource officer, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the designated human resources official will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Each employee and every person on Borough of Matawan property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. In cases where the reporting individual is not an employee, the report should be made to the local police department. In cases where the reporting individual is an employee, the report should be made to the employee's Department Head or the designated human resources official. Each Department Head shall promptly refer any such incident to the designated human resources official.

The Borough of Matawan will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution.

Nothing in the policy alters any other reporting obligation established in the Borough of Matawan's policies or in state, federal or other applicable law.

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. Employees shall refer any questions regarding his or her rights and obligations under the policy to the designated human resources official.

Policy Against Harassment:

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

Applicability. This policy applies to all people employed by the Borough of Matawan, as well as volunteers working on behalf of the Borough of Matawan, 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 Borough of Matawan are also expected to abide by the policy. In addition, no employee shall be required to withstand behavior from the public which violates this policy.

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

Provisions. All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Borough of Matawan prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical,

mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:

- 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 derogatory or demeaning images, based on any protected group status.

⊕ Any form of harassment or discrimination related to an employee's protected group status violates this policy. A hostile work environment can arise not only from conduct at the workplace, but can also arise from conduct occurring in a work-related context outside of the workplace (i.e., virtually or off-site) and conduct occurring in a non-work related context (i.e., through private phones, computers, or social media accounts) when that conduct impacts the workplace.

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

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

Sexual Harassment. The Borough of Matawan 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 communications, 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 workplace, 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 objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;
- (4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated 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.

Complaint Procedure. Any employee who feels he or she has been subject to harassment should report the incident directly to the designated Affirmative Action Officer. The designated Affirmative Action Officer 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.

Alternatively, any employee who feels he or she has been subject to harassment should report the incident directly to the Business Administrator. The Business Administrator 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 names and telephone numbers of the designated Affirmative Action Officer and Business Administrator are contained in the Contact Information attached to this policy.

Any individual uncomfortable reporting an incident to the designated Affirmative Action Officer and/or Business Administrator should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment. All Borough of Matawan employees should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to

occur on the Borough of Matawan's property during regular work hours for an employee to file a complaint under this policy.

The Borough of Matawan strongly encourages employees who witness conduct which they believe violates the Borough of Matawan's Policy Against Harassment to report the violation pursuant to this complaint procedure. The Borough of Matawan encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Investigation Procedure. The Borough of Matawan shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The designated Affirmative Action Officer and/or Business Administrator shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include any third party deemed appropriate.

The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused.

If the Borough of Matawan 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 bargaining agreements, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location with the Borough of Matawan.

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

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

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the designated Affirmative Action Officer and/or Business Administrator for resolution.

Retaliation Prohibited. The Borough of Matawan 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 personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the designated Affirmative Action Officer and/or Business Administrator for resolution. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Legal Effect. This Policy Against Harassment is to be construed as a unilateral expression of the policy of the Borough of Matawan concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any employee with questions regarding the Borough of Matawan's Policy Against Harassment should contact the designated Affirmative Action Officer and/or Business Administrator.

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

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

Harassment Complaint Form

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED
DURING THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name:

Department:

Job Title:

Supervisor:

Union Representative (*if any*):

Time Period Covered by Complaint:

Individuals Who Allegedly Committed Harassment:

	Name	Department	Job Title
1.			
2.			
3.			
4.			
5.			
6.			

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

Identify all employees or others with knowledge of the complained of conduct:

Are there any documents which contain information supporting the occurrences described above?

Is there any physical evidence which supports your complaint? If so, please describe:

Have you missed any work time as a result of the alleged harassment? If "yes," identify the occasions.

Have you incurred any unreimbursed medical expenses as a result of the alleged harassment?

If you previously complained about this or related acts of general harassment to an Borough of Matawan supervisor or official, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint:

(Attach Additional Sheets if Necessary)

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 in this complaint?

Acknowledgement:

The information provided above is true and correct.

Signature of Complainant: _____ Date: _____

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The Borough of Matawan will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence the Borough of Matawan deems relevant.

Signature of Complainant: _____ Date: _____

Witness Statement Form

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED
DURING THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name:

Department:

Job Title:

Union Representative (*if any*):

Length of Time Known: Complainant _____ Respondent _____

Individuals Who Allegedly Committed Harassment:

	Name	Department	Job Title
1.			
2.			
3.			
4.			
5.			

Identities of other persons with knowledge of facts relevant to this investigation:

Witness Statement Form (cont'd)

Please provide a detailed description of the events you witnessed. Include the date, time, location and individuals present.

Any other information which should be considered in evaluating the validity of the complaint in this case:

Acknowledgment:

I, _____, affirm that the information I have provided is true and correct. I acknowledge that the investigation is confidential and that I am not to disclose information obtained by me during the course of this investigation. I understand that unauthorized disclosures could result in disciplinary action up to and including termination.

Signature of Witness: _____ Date: _____

(Attach Additional Sheets if Necessary)

“Whistle Blower” Policy:

As a matter of policy, the Borough of Matawan abides by all federal, state, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the Borough of Matawan to implement this policy.

In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the designated human resources official. The written statement should detail the specific information the employee possesses so that the Borough of Matawan may undertake an investigation.

The Borough of Matawan or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. More specifically, neither the Borough of Matawan nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the Borough of Matawan or another Borough of Matawan, 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;

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 Borough of Matawan or another Borough of Matawan, 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;

Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Borough of Matawan or any government entity;

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 Borough of Matawan or any governmental entity.

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. See N.J.S.A. 34:19-3.

Disclosure to the Borough of Matawan first, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. The employee must give the Borough of Matawan a reasonable opportunity to correct the activity, policy or practice. It is the Borough of Matawan's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A

violation can taint the credibility of the Borough of Matawan and cause the Borough of Matawan and its employees to be subjected to adverse publicity leading to public distrust.

This policy is important to the Borough of Matawan. Each employee should seek to resolve any problem within Borough of Matawan channels before reporting it to any outside person or entity.

SECTION FOUR – WORKPLACE POLICIES

Changing Vital Information:

It is the responsibility of each employee to notify the Personnel Officer promptly, in writing, of any changes of vital information including but not limited to:

- Name
- Address
- Telephone Number
- Marital Status
- Dependent Children
- Change in status for health care programs
- Change in status for dental coverage
- Change of beneficiary on pension or life insurance policies
- Change in tax status for tax withholding purposes

Changes may be accomplished by sending written notice to the Personnel Officer. When necessary, the employee will be provided with the proper forms to change beneficiary, income tax deductions, etc.

A new employee's pre-employment application, pre-employment physical (if required), letters of reference and any other support documents will be included in the personnel file.

~~All employee attendance records will be maintained in accordance with the applicable records retention schedule established by the New Jersey Division of Revenue and Enterprise Services (DORES). Records will be preserved for the duration required by state law and securely disposed of thereafter. The Borough maintains employee attendance records indefinitely. The Borough maintains all other personnel records for at least three years after an employee terminates. Subsequently, these records may be destroyed.~~ The employee has the right to duplicate these records before the file is purged.

Confidentiality of Personnel Records:

The Personnel Officer will ensure that adequate personnel records are maintained for each employee in accordance with applicable Federal and State requirements. These records shall include: dates of appointments, transfers, promotions and terminations, job titles, salaries, commendations, complaints, performance evaluations, disciplinary actions, amount of leave accrued and used, a record of the employee's training and other related matters, and attendance records.

A new employee's employment application, letters of reference, reference verification and any other supporting documents will be included in the personnel file. Confidential medical records are maintained in a separate file.

Personnel records, other than name, title, salary, compensation, dates of service, reason for separation, and information on specific educational or medical qualifications required for employment, are confidential and are available only to the employee, an authorized representative of the employee, and the human resources official. Personnel records may also be available to the Business/Borough Administrator, other members of management, the Borough of Matawan's legal counsel, and members of the governing body on a need-to-know basis in connection with official duties. Additionally, the Borough of Matawan will make the records available as required by law.

Employees are entitled to review the contents of their personnel folder, except for reference checks and other information provided to the Borough of Matawan in the hiring process, but may not review the contents of other employees' personnel file. Employees who want to review their own personnel folder should request an appointment with the human resources official.

Employees should provide the Borough of Matawan with at least twenty-four (24) hours advance notice of his or her need for an appointment to review his or her personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the human resources official or his/her designee. Employees will not be permitted to photocopy the contents of their folder, take personnel folders outside of the human resources office or remove any documents from the folder.

Employees whose duties require access to personnel documents or information must maintain their confidentiality. Violators of this confidentiality will be subject to disciplinary action up to and including termination.

Conflict of Interest Policy:

Employees including Borough 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 Borough. Violations of this policy will result in appropriate discipline including termination.

The Borough recognizes the right of employees to engage in outside activities that are private nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough'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 Personnel Officer a state mandated disclosure form. The Personnel Officer will notify employees and Borough officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including a Borough official is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an

employee's household. Employees are required to disclose possible conflicts so that the Borough 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 Borough Administrator or the Municipal Attorney to obtain clarification.

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

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. Meals and other entertainment valued in excess of \$30 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Disciplinary Action and Termination Policy:

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, the employee's relationship with his/her supervisor, and the best interest of the Borough of Matawan. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

- Removal
- Disciplinary demotion
- Suspension of greater than five (5) days

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this subject matter.

An employee may be subject to discipline, including termination, for any of the following reasons:

- Incompetency, inefficiency or failure to perform duties;
- Insubordination;
- Inability to perform duties;
- Chronic or excessive absenteeism or lateness;
- Conviction of a crime;

- Conduct unbecoming a public employee;
- Neglect of duty;
- Misuse of public property, including motor vehicles;
- Discrimination that affects equal employment opportunity, including sexual harassment;
- Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued there under;
- Falsification of public records, including attendance and other personnel records;
- Failure to report absence;
- Harassment of co-workers and/or volunteers and visitors;
- Theft or attempted theft of property belonging to the Borough of Matawan, fellow employees, volunteers or visitors;
- Unauthorized absences and/or chronic or excessive absences;
- Fighting on Borough of Matawan's property at any time;
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough of Matawan property and at any time during work hours;
- Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough of Matawan property and at any time during work hours;
- Entering the building without permission during non-scheduled work hours;
- Soliciting on Borough of Matawan premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and for sales of products, such as those from Avon, Amway, etc.;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Deliberate destruction or damage to Borough of Matawan property or the property of other employees;
- Sleeping on the job;
- Carrying weapons of any kind on Borough of Matawan premises and/or during work hours, unless carrying a weapon is a function of your job duties;
- Violation of established safety and fire regulations;
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- Defacing walls, bulletin boards or any other property of the Borough of Matawan or other employees;
- Unauthorized disclosure of confidential Borough of Matawan information;
- Gambling on Borough of Matawan premises;

- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough of Matawan premises;
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
- Conviction of a crime or disorderly persons offense;
- Violating any Borough of Matawan rules, procedures, regulations or policies;
- Unauthorized use of computers, Internet, email, voicemail, telephone and cellular phone; and
- Other sufficient cause.

These are mere examples and not an exhaustive list or binding on the Borough of Matawan. Additionally, the Borough of Matawan reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Employment with the Borough of Matawan may be terminated at any time with or without cause or reason by the employee or Borough of Matawan.

Domestic Violence Policy:

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

1. Definitions - the following terms are defined solely for the purpose of this policy:
 - a. 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.
 - b. 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.

- c. Human Resources Officer (HRO) –An employee of a public Borough of Matawan with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the Borough of Matawan as the primary or secondary contact to assist employees in reporting domestic violence incidents.
- d. 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.
- e. 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.
- f. 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.
- g. Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the Borough of Matawan. 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.

RESPONSIBILITY OF BOROUGH OF MATAWAN TO DESIGNATE A HUMAN RESOURCES OFFICER (HRO)

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

1. **Primary HRO:** Borough Administrator
2. **Secondary HRO:** Deputy Borough Administrator

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.
- E. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, insert contact information
- 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:**

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

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

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

- **Confidentiality Of Employee Records:**

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

- **The New Jersey Security And Financial Empowerment Act:**

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

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

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

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

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

- **Borough Of Matawan Domestic Violence Action Plan:**

The Borough of Matawan 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 Borough of Matawan.
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse,

domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.

- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the Borough of Matawan will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Borough of Matawan, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

- **Resources:**

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

- **Distribution Of Policy:**

- WHO will be responsible for distributing this policy to employees, volunteers, and other employees identified above.
- WHO will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.
- WHO will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public Borough of Matawan.

- **Other Applicable Requirements:**

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

- **Policy Modification And Review:**

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

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

- **Policy Enforceability:**

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

- **Policy Inquiries & Effective Date:**

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

Employee Performance Evaluation Policy:

The Borough of Matawan recognizes that an employee job performance evaluation system is essential to fostering employee growth, development, and accountability. Performance evaluations provide a formal mechanism for supervisors and employees to engage in constructive dialogue, establish shared expectations, and document progress.

Policy Requirements:

1. Annual Evaluations:

- All Borough employees shall receive a written performance evaluation annually, without exception.
- Evaluations must be completed no later than December 31 of each year.
- Evaluations shall be signed by both the supervisor and the employee and filed in the employee's official personnel file.

2. Administrator's Authority for Extensions:

- In exceptional circumstances where timely completion is not feasible (e.g., extended absence of the evaluating supervisor or other unique operational challenges), the Borough Administrator may authorize an extension of the evaluation deadline.
- Such extensions shall be documented in writing by the Administrator and apply only to the affected employee(s).

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3. Evaluation Content and Form:

- Supervisors shall conduct evaluations using the Borough-approved evaluation form, which shall be developed collaboratively with supervisory staff and approved by the Borough Administrator in consultation with the Labor Attorney.
- The approved form will establish the performance criteria and standards to be applied consistently across all departments.

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4. Evaluation Process:

- The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year.
- The evaluation will also record additional duties performed, educational courses completed, and any plan to correct weak points using the Employee Counseling form.
- After completing the evaluation, the supervisor or Department Head shall review the results with the employee and obtain a signed acknowledgement.
- The completed evaluation shall then be submitted to the Borough Administrator for review. Following review, the form(s) will be forwarded to the Personnel Officer for inclusion in the employee's official personnel file.
- As part of the evaluation, employees have the right to request a conference with the Borough Administrator.

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5. Use of Evaluations in Employment Decisions:

- Performance evaluations shall be considered in all employment-related decisions, including but not limited to matters of promotion, transfer, discipline, compensation, and separation.

Evaluations shall serve as an essential component of fair and documented decision-making, ensuring that employment actions are based on objective performance standards and not on arbitrary or extraneous factors.

The Matawan Police Department shall conduct employee performance evaluations consistent with the intent of this policy. Such evaluations, however, shall be performed and documented in accordance with the Department's internal policies, procedures, and applicable collective bargaining agreements.

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses

~~completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be forwarded to the Personnel Officer for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.~~

Commendation and Recognition Inclusion Policy:

To promote a culture of appreciation and reinforce the value of exceptional public service, the Borough of Matawan encourages the documentation of employee commendations in personnel files.

Letters, emails, or written notes of recognition may be submitted by:

- o Supervisors and Department Heads
- o Fellow Employees
- o Residents
- o Vendors and Contractors
- o External Partners (including other governmental agencies and community organizations)

Such commendations may include, but are not limited to, praise for professionalism, outstanding service delivery, community engagement, responsiveness, or contributions beyond the scope of regular duties.

All commendations submitted for inclusion in an employee's personnel file shall be forwarded to the Borough Administrator or Personnel Officer. Copies will be provided to the employee. The Borough reserves the right to verify the authenticity and appropriateness of the submission before placement in the file.

The Matawan Police Department shall maintain practices for documenting commendations and recognitions that are consistent with the spirit of this policy. Such commendations, however, shall be managed and recorded in accordance with the Department's internal rules, procedures, and applicable collective bargaining agreements.

Employment Reference Policy:

To ensure that individuals who work for the Borough of Matawan are well-qualified and have a strong potential to be productive and successful, it is the policy of the Borough of Matawan to check the employment references of all applicants at the Borough of Matawan's discretion.

Employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to the human resources official. Generally, unless otherwise required by law, the Borough of Matawan will only confirm employees' name, title, salary, compensation, dates of service, reason for separation, if applicable, and specific educational or medical qualifications required for employment. The Borough of Matawan's response to a request for reference information shall be communicated in writing only. The Borough of Matawan does not honor oral requests for employment references.

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A current or former employee may also authorize the Borough of Matawan to release additional information. Unless otherwise required by law, the Borough of Matawan will only release additional information if the current or former employee provides authorization, in writing.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Borough Administrator. The supervisor or Department Head will communicate the decision to the employee within two working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five days working days of the step one decision. After consulting the Labor Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

Political Activity:

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. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Borough of Matawan's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

- Be a candidate for public office in a partisan election. (This provision does not apply to 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 his/her official authority to influence, to interfere with or affect election results or nominations for office.
- Directly or indirectly coerce contributions from any employee to support a political party or candidate. See The Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Borough of Matawan. Employees should report any violation of this policy to their supervisor or Department Head.

Resignation Policy:

The Borough operates as an at will employer. As such, an employee may resign at any time; however, the Borough appreciates at least two weeks' notice for employees who wish to voluntarily resign. An employee who intends to resign should notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Personnel Officer 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 the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Work Force Reduction Policy:

The Borough of Matawan may institute layoff actions upon recommendation from the Administrator for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be determined by the Council.

UPDATES TO THIS DOCUMENT:

Pursuant to resolution, the Borough Administrator is authorized to amend this policy from time to time. The Borough Council will formally adopt any such changes on an annual basis.

When any such updates are issued, it shall be the responsibility of the employee to replace any old policy manual pages with the replacement pages provided and to make note of these changes on the last page of the Table of Contents.

Attendance Policy:

The Borough of Matawan is an at will employer. As such, the Borough reserves the right to discipline and/or terminate employees at any time. The below are simply examples of employee conduct that could result in disciplinary action and/or termination. The following serves only as an outline. All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are ~~8~~7:30 AM to 4:30 PM, Monday through Thursday. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the borough may meet its commitments to its residents. Employee absences place an additional burden on the remaining workforce and seriously affect the borough's ability to service its residents. Management recognizes that circumstances beyond the employee's control may cause him or her to be absent from work for all or part of a day. The borough however will not tolerate unexcused absence or tardiness.

All employees are expected to come to work regularly and on time, and to notify their supervisors when they are unable to do so. Attendance and punctuality will be considered, among other factors, in the employee's performance review.

To ensure that the borough enforces its attendance and tardiness policy with uniform consistency, and that the borough provides its employees with progressive discipline and an opportunity for improvement, the borough implements the following attendance and tardiness policy.

1. Definitions

- a. Unexcused Absence - Employee fails to report for work for the duration of the employee's shift without an excuse approved by the employee's department head or the department head's designated representative.
- b. Excused Absence - Employee fails to report for work for the duration of the employee's shift with an excuse approved by the employee's department head or the department head's designated representative.
- c. Unexcused Incident of Tardiness - Employee reports for work after the authorized reporting time without an excuse approved by the employee's department head or the department head's designated representative.

- d. Excused Incident of Tardiness - Employee reports for work after the authorized reporting time with an excuse approved by the employee's department head or the department head's designated representative.
2. Department heads or the department head's designated representatives will keep attendance and tardiness records for each employee. The department head or the department head's designated representative will note the following details on each employee's attendance and tardiness records: report time, if tardy; dates absent; reason for absence or tardiness; whether the absence or tardiness constitutes an excused or unexcused absence or incident of tardiness; whether the employee provided notice; time of notification, if any, whether the employee left work prior to the end of the scheduled work day; and reason for leaving early.
 3. Any employee who cannot report to work on time shall call his or her department head or the department head's designated representative not later than one hour prior to the scheduled starting time of the work shift from which he or she is tardy.
 4. If an employee reports for duty after the employee's scheduled starting time, the department head or the department head's designated representative shall indicate the employee's tardiness in the employee's attendance and tardiness records.
 5. Any employee requesting absence due to illness for one or more days shall call his/her department head or the department head's designated representative on a daily basis to report the nature of the illness. The borough may waive this daily requirement upon the certification of a physician in cases of convalescence or hospitalization. In the event the department head or his or her representative is temporarily unavailable, employees must leave a message with the Borough Administrator's Office. The message shall include a telephone number where the employee may be reached so that the department head or the department head's designated representative may verify the reason for the absence.
 6. If an employee will be absent, the employee shall telephone his or her department head or the department head's designated representative or the Borough Administrator's Office if the department head or the department head's designated representative is temporarily unavailable, as early as possible, but not later than one hour prior to the scheduled starting time of the work shift from which he or she is absent.
 7. If an employee fails to notify his or her department head or the department head's designated representative, or the Borough Administrator's Office, the Borough may deny the use of sick leave for the absence and may take disciplinary action.
 8. An employee who is absent for five or more consecutive workdays who does not notify the department head or the department head's designated representative, or the Borough Administrator's Office on any of the first five days, will be subject to disciplinary action up to and including discharge.

9. Whenever any employee accumulates absences on five consecutive work days, or when absences total five work days in thirty calendar days, the employee shall provide a physician's certification of health to his or her department head or the department head's designated representative upon return from illness.
10. Whenever any employee accumulates one unexcused absence or two unexcused incidents of tardiness, the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will provide the employee with advance written notice of the time, date and place of the meeting. If applicable, the advance written notice will also inform the employee that the employee has the right to union representation at the meeting. The department head or the department head's designated representative will place a copy of the written notice in the employee's personnel file. After the meeting, the department head or the department head's designated representative will place written documentation of an oral reprimand in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will give the employee the opportunity to place a written rebuttal to the written documentation of the oral reprimand in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written documentation of the oral reprimand.
11. Whenever any employee accumulates two unexcused absences or four unexcused incidents of tardiness, the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will provide the employee with advance written notice and will also inform the employee that the employee has the right to union representation at the meeting. The department head or the department head's designated representative will place a copy of the written notice in the employee's personnel file. After the meeting, the department head or the department head's designated representative will place a written reprimand in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will give the employee the opportunity to place a written rebuttal to the written reprimand in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written reprimand.
12. Whenever any employee accumulates three unexcused absences or six unexcused incidents of tardiness, the Borough Administrator or the Borough Administrator's representative, and the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will provide the employee with advance written notice of the time, date and place of the meeting. If applicable, the advance written notice will also inform the employee that the employee has the right to union

representation at the meeting. The department head or the department head's designated representative will retain a copy of the written notice in the employee's personnel file. The Borough Administrator or the Borough Administrator's designated representative shall determine appropriate disciplinary action, which may include suspension without pay up to and including termination. After the formal meeting, the department head or the department head's designated representative will place written documentation of the disciplinary action taken in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will provide the employee with the opportunity to place a written rebuttal to the written documentation of disciplinary action in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written documentation of the disciplinary action taken.

13. In the event the employee accrues any additional unexcused absences or unexcused incidents of tardiness, the Borough Administrator or the Borough Administrator's designated representative may take additional disciplinary action against the employee, up to and including discharge.

If an employee has questions about this attendance and tardiness policy the employee should contact the Borough Administrator.

Break Policy:

Administrative personnel are entitled to a 1 hour lunch that is to be arranged by the supervisor so that offices continue to function. The supervisor may authorize such other breaks as they may deem appropriate.

Employees lunch hours shall be scheduled between 11:30 a.m. and 2:30 p.m. unless otherwise authorized by the Borough Administrator and shall be no longer than 1 hour.

Department heads shall oversee the staggering of employee lunch times to ensure that offices are adequately staffed at all times.

Bulletin Board Policy:

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

Computer Use Policies - Electronic Mail, and Internet, Security:

The Borough of Matawan's e-mail, voicemail, computer systems and Internet service are for official Borough of Matawan business and use for all other non-business purposes during working time is prohibited. "Working time" shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the Borough of Matawan. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times. This

includes, but is in no way limited to, the use of computers or Borough of Matawan-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 Borough of Matawan 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 during working time, (as defined above) and are used in a proper and lawful manner at all times.

- Employees are advised that all computers owned by the Borough of Matawan are to be used for business purposes only during working time (as defined above), and that they have no expectation that any information stored on an Borough of Matawan computer is private. Because e-mail messages are considered as business documents, the Borough of Matawan 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 computer during working time (as defined above) is prohibited, unless expressly authorized by the employee's supervisor.
- The Borough of Matawan reserves the right to block or cancel an employee's access to Internet sites or the Internet as a whole while using business computers or on the Borough of Matawan's time.
- The e-mail, telephone, and Internet systems, as well as the messages thereon, are the property of the Borough of Matawan.
- The Borough of Matawan 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 Borough of Matawan's discretion. The Borough of Matawan 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 Borough of Matawan 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 Borough of Matawan or generated by the employee, do not restrict or eliminate the Borough of Matawan'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 Borough of Matawan's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an employee's personal use of the Borough of Matawan's computer, e-mail and connection to the Internet shall not interfere with

the employee's duties and shall comply with the Borough of Matawan'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 Borough of Matawan's address or other Borough of Matawan-related information, and thus reflect on the Borough of Matawan, make certain before posting such information that it exhibits the high standards and policies of the Borough of Matawan. 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 or blog, comment on any aspect of the Borough of Matawan's business or post a link to the Borough of Matawan, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the Borough of Matawan or anyone associated/affiliated with the Borough of Matawan."
- Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Borough of Matawan. 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 Borough of Matawan's Network Administrator before downloading.
- Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using an Borough of Matawan 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 Borough of Matawan'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 Borough of Matawan's electronic media from someone outside of the Borough of Matawan, 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 Borough of Matawan policy, including, but not limited to, the following: the Borough of Matawan's Anti-Harassment and Discrimination Policies.
- Borough of Matawan business which is conducted by an employee on his or her personal computer or device is subject to this policy and 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. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions communicate with each other; or engage in other concerted activities for their mutual aid and protection.

Computer Security:

The security of the Employer's computer network depends upon the cooperation of each individual who uses the system. Each user is responsible for the information in individual user folders and any information placed on the network for which they are the owners.

The use of networked computers encourages the exchange of information but also requires respect for others and intellectual property law. The Employer will apply standardized security policies on individual networked computers. Networked computers store information of roughly four types; publicly accessible data, commercially licensed and general use resources, system administration resources, and data located in individual user files. Such data may be located on computer tapes, hard disks and diskette drives. These guidelines apply to the use of all types of data, system files, user files and electronic mail. Data belonging to others or held in other folders may not be browsed, copied, or otherwise modified. This data includes user passwords as well as directories and files held on computers, disks, and tapes.

At such time as an employee terminates their employment with the Employer, all computer software, hardware and other equipment must be returned to Administration.

A. Backup

Administration maintains a policy for backing-up information stored on borough networked computers, however ultimate responsibility for back-up of files in departmental folders, local disks and computers lies with the individual user. Users are required to save and make additional copies of important information. A rotation of daily tapes is kept for a period of one month. Data files are routinely archived which have not been accessed or modified for a period of 2 years.

Electronic or email messages related to agency business are GOVERNMENT RECORDS and are subject to the same laws and requirements as other agency records, including general records management and program specific requirements, Freedom of Information Law, and discovery proceedings in legal action may apply to email communications.

Programs may not be used to identify security loopholes, decrypt secure data, and hack into the network.

B. Remote Access

The Employer, at its discretion, may provide limited approval and capability for authorized users to connect to the system remotely. The user must in writing demonstrate why such access is an essential job function, and the department head must also confirm the justification. The Borough Administrator or his designee may authorize remote access requests. Software and log-in codes for remote use may not be shared with any other computer user. Special safeguards such as high level encryption, authentication and virtual private network security keys will be provided to ensure the utmost security and

protection in gaining access to the network using virtual private network technology.

Violations to Computer Policy:

Failure of employees to adhere to this policy may result in restriction, revocation of access or other disciplinary action. The employer reserves the right to make final determinations as to what is considered appropriate in all cases of internet and email use.

Employees who are found in violation of this policy may be subject to the following:

- Revocation of internet and email access
- Restriction of access to internet and email, and;
- Any other discipline, up to and including termination.

Artificial Intelligence (AI) Usage Policy:

The use of artificial intelligence (AI), including but not limited to generative tools such as ChatGPT, Google Gemini, or Microsoft Copilot, is prohibited for work-related purposes unless explicitly authorized by a department supervisor or the Business Administrator.

Employees must not input, share, or transmit any Borough-related sensitive, confidential, or personally identifiable information (PII) into AI systems unless those systems are Borough-approved and compliant with applicable data privacy and security standards.

Violations of this policy may result in disciplinary action, up to and including termination.

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Dress Code Policy:

Employees are expected to maintain a professional appearance that reflects positively on the Borough and is appropriate for their position, work environment, and public interaction. Attire should be clean, neat, and suitable for the duties being performed.

Uniforms are required for certain roles and must be worn in accordance with departmental standards. For all other employees, business casual attire is generally acceptable unless otherwise specified by a supervisor.

Examples of inappropriate attire:

- Clothing with excessive rips, holes, or distressing
- Athletic wear (e.g., gym shorts, sweatpants)
- Flip-flops or beachwear
- T-shirts with large logos or novelty graphics
- Clothing that does not provide reasonable coverage

Visible tattoos and body piercings are permitted unless they display offensive content or pose a safety concern. Employees in public-facing roles may be asked to cover tattoos or remove piercings that are inconsistent with the Borough's professional standards.

The Borough values inclusivity and will accommodate religious, cultural, medical, or gender-expression-related dress needs, provided they do not conflict with safety standards or job functions.

Employees found in violation may be asked to correct their appearance or return home without pay. Repeat violations may result in additional disciplinary action, up to and including termination.~~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, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Borough Administrator, the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.~~

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The Borough Administrator, in ~~his~~their discretion, may authorize in writing a more liberal interpretation of this policy from time to time.

Driver's License Policy:

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

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

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

Any employee performing work which requires the operation of a Borough vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to possible termination.

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

Early Closing and Delayed Opening Policy:

In the event of unsafe conditions or other emergencies, the Borough Administrator in consultation with the Mayor may direct certain Department Heads to close operations earlier than the normal working hours. Upon the decision to close or delay operations, the Borough Administrator or his designee shall place an announcement to that effect on the Borough's Emergency Operations Line. It shall be the responsibility of each employee to individually check the Emergency Operations Line to determine the operations status of their department.

At the discretion of the Borough Administrator, a Liberal Leave policy may be utilized in lieu of closing municipal operations. In the event the Liberal Leave policy is in effect, the municipal operations will continue to operate but employees may individually choose not to report to work and will be charged a full vacation day instead. Compensatory time may also be charged at the option of the employee. Sick time will only be charged for a legitimate illness.

If, however, work is called off for the day, no time will be charged for the day. The Borough Administrator may designate specific departments and the employees assigned thereto "Essential Staff" who may be required to assist in an emergency. Any and all essential staff so designated will report to work as scheduled.

Employer Website:

The Employer's website was created to provide information about the employer to the public and to provide direct links to other related sites. The site is not to be used for personal or partisan political purposes. All items posted on the website must reflect the principals enumerated in this policy.

Internal Service Requests:

Users must submit their service requests to Administration in writing. Each department should keep additional copies of the Service Request Forms available; however, additional copies may be obtained from Administration. The written system allows the Employer to quantify, track persistent problems, and to prioritize requests.

The Administration Office is available to assist you in resolving technical problems however it is not possible to respond to the needs of the entire staff at once. In many cases, service demands may easily outpace available resources. Every effort should be made to troubleshoot simple problems first and contact Administration for unresolved problems that prevent an employee from completing essential tasks. The following steps will be undertaken to address service requests:

- Develop user groups and identify expertise in groups, specific to department.

- Additional training/train-the-trainer
- Developing training materials and manuals for applications.

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Borough Administrator. The Personnel Officer will make copies available upon request.

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 Borough has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and such locations as not to allow the re-entry of smoke into building entrances. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Social Media Policy:

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

This policy sets forth guidelines for the establishment and use by the Borough of Matawan ("the Borough ") of its social media site Facebook as a means of conveying Borough - related information to its residents, employees and visitors. The Borough has an overriding interest and expectation in deciding what is "spoken" on behalf of the Borough on its social media sites.

The purpose of this social media policy is to establish enforceable rules for the use of social media by Borough officers and employees when engaged in Borough business. Social media at this time refers to Facebook, YouTube, Twitter, and any other communication that is open to response or comment. Rules are necessary to assure that communications made on behalf of the Borough are properly authorized and in correct form; that communications to the municipality by means of social media which can be viewed by the public are appropriate and pertinent; that all communications to the municipality is related to the posted municipal information; and that the sender is clearly and fully informed that a message received by means of social media is not a substitute for required reporting procedures.

For purposes of this policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, YouTube, and Twitter. For purposes of this policy, "comments" include information, articles, and pictures.

It also includes other communication medium created by the Borough including but not limited to Nixle, reverse 911 and/or the Public Education Government Channel.

General Policy:

The objective of the use of social media by the Borough or its departments is to expand and facilitate the dissemination of information from the Borough to its residents, taxpayers and the general public.

1. No Borough social media site shall be established without prior approval of the Borough Council. The following social media sites are approved under the direction of the Police Chief – Facebook, Matawan Police Department, and Matawan Office of Emergency Management. The Borough social media site shall be administered by the Borough Administrator and/or his/her designee.

2. The Borough social media sites shall clearly set forth that they are maintained by the Borough and that they follow this Social Media Policy.

3. Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough.

4. The Borough social media sites are not to be used for making any official communications to the Borough, for example, reporting crimes or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by any statute, by ordinance or regulations such as but not limited notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

5. This social media policy shall be placed on the Borough Website and all Borough social media sites.

6. The Borough Administrator and/or his/her designee shall monitor Borough social media sites to ensure adherence to both this Social Media Policy and the interest and goals of the Borough. The Borough has the right and will restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the Borough Administrator and/or her/her designee pursuant to the applicable Borough retention policy, including the time, date and identity of the poster, when available.

7. These guidelines must be displayed to users or made available by hyperlink. Borough of Matawan Social Media Policy.

8. The Borough will approach the use of social media tools as consistently as possible, Borough-wide.

9. The Borough website at www.matawanborough.com will remain the Borough's primary and predominant internet presence.

10. The Borough social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, as well as applicable record retention requirements.

11. Employees and Volunteers representing the Borough's government via its social media sites shall conduct themselves at all times as a representative of the Borough and in accordance with all its policies especially the Borough of Matawan Communication.

Media Policy for employee behavior in the Borough of Matawan JIF Personnel Manual.

12. This Social Media Policy may be revised at any time by approval of the Borough Committee.

13. This policy governs all social media use by or on behalf of the Borough and/or its departments.

14. The Borough shall have a single municipal presence on social media approved for use, and a Borough Police Facebook page a Borough Office of Emergency Management Facebook page and a Recreation Facebook page. No other social media sites are authorized.

15. All Borough presence and activity on social media are an integral part of the Borough's information networks and must comply with all rules and policies governing the Borough's computers and electronic media, including but not limited to the applicable JIF Municipal Internet Access and Use Guidelines.

16. All Borough use of social media is responsible for complying with applicable federal, state, and county laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Record Act (OPRA), First Amendment, privacy laws, sunshine laws, and information security policies (if applicable) established by the Municipality.

17. All Municipal policies are applicable to interactions on social media sites when acting in an official capacity and representing the Municipality.

18. No "friending" or other special relationship between a Borough employee and a third person is permitted on, or working on, a Borough social media site(s).

19. Social media is run by a third party separate from the Borough and social media sites occasionally become inoperable. The Borough reserves the right to disable its social media accounts either temporarily or permanently at any time. There is no guarantee of "uptime."

Social Media Comment Policy:

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

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

1. A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough.
2. Any attempt to hack or otherwise compromise the Borough's internet or social media sites will be reported to law enforcement and the perpetrator will be denied access to the sites.
3. The Borough reserves the right to deny access to its social media sites for any individual who violates the Borough of Matawan Social Media Policy at any time and without prior notice.
4. All comments posted to any Borough sites are bound by any applicable terms and conditions of Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the Borough reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsible action. All Borough policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
5. All comments posted to any Borough sites are bound by any applicable terms and conditions of Twitter's Terms of Service, located at <https://twitter.com/tos>, and the Borough reserves the right to report any violation of Twitter's Terms of Service to Borough of Matawan Social Media Policy, Twitter with the intent of Twitter taking appropriate and reasonable responsible action.
6. All Borough policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
7. All comments posted to any Borough sites are bound by any applicable terms and conditions of YouTube's Terms of Service, located at <https://www.youtube.com/t/terms>, and the Borough reserves the right to report any violation of YouTube's Terms of Service to YouTube with the intent of YouTube taking appropriate and reasonable responsible action. All Borough policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

8. Borough municipal employees are prohibited from commenting on the municipal social media sites.
9. No Borough employee, Borough elected official, vendor performing work or providing services to the Borough , or volunteer may post or comment on a Borough social media site.
10. Persons posting prohibited content are subject to being barred from posting comments on Borough social media.

Social Media Prohibited Content Policy:

Comments containing any of the following inappropriate forms of content shall not be permitted on the Borough 's social media sites and are subject to removal and/or restriction by the Borough Administrator and/or Chief of Police and/or his/her designees.

1. Profane, obscene, violent, or pornographic content and/or language, or sexually suggestive or explicit content links to such materials. Any image or link containing minors or suspected minors in sexual and/or provocative situations will be reported to law enforcement;
2. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
3. Defamatory attacks;
4. Threats to any person or organization;
5. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
6. Conduct in violation of any federal, state or local law;
7. Encouragement of illegal activity or illegal activity;
8. Information that may tend to compromise the safety or security of the public or public systems;
9. Content that violates a legal ownership interest, such as a copyright, of any party the Borough does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and submissions if properly notified that such content and/or submission infringes on another's intellectual property rights;
10. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere; Personal information of a person other than the poster;
11. Spamming or repetitive content;

12. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on a Borough media site, users acknowledge that they are at least 13 years old. Parents are responsible for any minor child's posting or comments;
13. Content that incites violence;
14. Photographs or videos;
15. Comments unrelated to the particular post being commented upon;
16. Comments containing vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations; and,
17. Persons posting prohibited content are subject to being barred from posting comments on Borough social media.
18. Only content approved by the Borough Administrator and/or approved by the Chief of Police for public release is allowed to be posted. Content of a sensitive nature shall not be allowed to be posted. Officials, employees, Borough volunteers, or vendors providing services to the Borough are prohibited from posting comments.
19. A "designee" or a person appointed by the Borough Administrator and/or Chief of Police is never to be allowed to transfer their social media account information or allow someone access to their account on their behalf without prior written authorization from the Borough Administrator or Chief of Police.

Social Media Breach Of Policy:

1. The Borough Administrator or Chief of Police and/or his/her designee may be required to remove internet postings on Borough social media sites which are deemed to constitute a breach of Policy, as determined by the Borough Administrator or Chief of Police subject to applicable archiving and retention requirements.
2. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information.

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

- a. Information Disclaimer - By visiting this site, you understand and agree that the Borough of Matawan local government site is provided "AS IS". Borough of Matawan local government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about Borough of Matawan local government. Portions of the information on this site may be incorrect or not current. Borough of Matawan local government, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the

use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

- b. Linking Policy / Links to External Sites - The Borough of Matawan local government site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Borough of Matawan local government. These links are provided solely as a courtesy and convenience to you, the visitor.
- c. The Borough of Matawan local government, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Borough of Matawan local government, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Borough of Matawan local government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Borough of Matawan local government website or from reliance upon only such information.
- d. Endorsement Disclaimer - Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by Borough of Matawan local government or its officers, employees, or agents.
- e. Copyright and Trademark Limitations - Borough of Matawan local government makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.
- f. Use of material from this site - The Borough of Matawan local government has made the content of these pages available to the public and anyone may view, copy or distribute Borough of Matawan local government information found here without obligation to the Borough of Matawan local government for Borough of Matawan Social Media Policy non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.
- g. The design of this site, original graphics, and original content are all copyrighted by the Borough of Matawan and may not be re-engineered, distributed, modified, transmitted, re-used, reposted, or duplicated without the express written permission of the Borough of Matawan in each instance. All requests to use any part of the original design, code, graphics or content of this site should be made via e-mail to the Borough Administrator.

- h. Unauthorized Modifications - Unauthorized attempts to modify or otherwise alter any information or image stored on any Borough of Matawan local government website may result in criminal prosecution.

Social Network Postings

For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of others users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include: blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Borough of Matawan 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 Borough of Matawan reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Borough of Matawan by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.

Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Borough of Matawan-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees' official job duties.

Telephone Usage Policy:

Borough telephones are intended for official municipal business. Employees may make brief personal calls only for urgent matters, such as informing family of unexpected overtime, coordinating transportation, or addressing emergencies.

Personal calls must be kept to a minimum and must not interfere with work responsibilities. Any long-distance or toll charges incurred for personal calls must be reimbursed to the Borough.

The use of hand-held cell phones while operating Borough vehicles or while driving on Borough business is strictly prohibited, in accordance with state law.

The use of personal cell phones during work hours should be limited to emergency or time-sensitive situations. Excessive personal phone use or texting during work hours may result in disciplinary action.

Use of Personal Devices for Borough Business:

Employees are strongly discouraged from using personal cell phones, computers, or other personal devices to conduct Borough-related business, including email, messaging, or document storage.

In accordance with the New Jersey Open Public Records Act (OPRA), any communication or record related to Borough business, regardless of the device or platform used, may be subject to public disclosure. This means that using a personal device for Borough-related communication could subject portions of that device to inspection or legal review during an OPRA request or litigation discovery process.

To protect employee privacy and ensure compliance, Borough business should only be conducted using Borough-issued devices, platforms, or authorized communication channels.

Failure to follow this policy may result in disciplinary action and may compromise personal data.

~~Borough telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough. The use of hand held cell phones while driving Borough vehicles or while driving on Borough business is prohibited. The use of personal cell phones while on duty is limited to emergency situations.~~

Policy on Providing Contact Information

Purpose:

To ensure consistent and professional communication with the public while protecting employees' personal information and maintaining Borough standards.

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Policy Statement:

The Borough has many employees who handle responsibilities offsite and/or outside of official business hours, including staff members who work via shared services or on a part-time basis. Additionally, all employees are entitled to use their paid time off (PTO) without having to address work-related matters.

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As we work to provide the best service to the public, there may be times when someone needs to conduct business with a staff member who is either not in the office or currently off duty. In such situations, all staff are required to provide only Borough-authorized and/or issued contact information. Sharing personal or external contact details, such as private phone numbers, personal email addresses, or social media accounts, is strictly prohibited.

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Scope:

This policy applies to all employees and representatives of the Borough of Matawan who interact with customers, vendors, or business partners on behalf of the Borough.

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Guidelines:

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1. Borough Contact Information:

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- Employees must use their assigned Borough phone number, email address, or other official communication channels for all public and business-related interactions.
- If anyone requests contact information, employees must provide only the information authorized and/or issued by the Borough. This information is listed on the Borough website.

2. Prohibition of Personal and External Information:

- Employees must not share personal or external phone numbers, email addresses, or social media accounts under any circumstances.
- If pressed for immediate resolution to an issue and the staff members present cannot assist, employees should politely explain that the matter will be addressed when the appropriate staff member is working and/or in the office. The only way to reach that employee is through official Borough channels.

Enforcement:

Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Use of Municipal Property:

Employees are responsible for taking care of any equipment assigned to them. Employees of the Borough of Matawan shall not remove, or in any way assist in the removal of supplies, materials, goods, or equipment belonging to the borough from its offices, unless such removal has been authorized by the Borough Administrator. Employees may not use equipment, supplies, postage, or other borough materials for personal use.

Unauthorized use or removal of municipal equipment and supplies shall be cause for disciplinary action up to and including discharge from employment.

Use of Municipal Vehicles:

Borough owned vehicles shall be used only on official business and all passengers must be on Borough business. (An employee who is also employed by another governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough and the other jurisdiction.)

There is no employee or rider will be permitted to smoke in any Borough owned vehicles.

Vehicles may be taken home only with the advance approval of the Borough Administrator except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action.

This policy shall apply to all borough employees, volunteers, officials and other representatives of the municipality.

Procedure:

- A. Assigned drivers are responsible for ensuring that the vehicles are kept clean, in good operating condition, and are serviced in accordance with a preventative maintenance schedule.
- B. Assigned drivers must have a valid New Jersey Driver's License and a Commercial Driver's License which authorizes them to operate equipment that requires same.
- C. Any employee leaving the boundaries of the municipality with a borough owned vehicle shall report the fact that they will be out of the borough to the police dispatch desk. They shall also report their return to the police dispatch desk.
- D. Municipal vehicles may only be driven by the persons they are assigned to.

Use of Municipal Vehicles Policy (Non-Law Enforcement Employees):

The Borough of Matawan owns and maintains a fleet of vehicles ("Borough of Matawan Vehicles") that are used in furtherance of the business of the Borough of Matawan. The following policy governs the use of all Borough of Matawan Vehicles (with the exception of vehicles utilized for law enforcement purposes) and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with

applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Borough of Matawan to the employee in any civil or criminal matter brought in any Court arising from improper use of a Borough of Matawan vehicle. The Borough of Matawan also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

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

- A. Employees are required to file a copy of a valid driver's license with the Borough of Matawan prior to the use of a Borough of Matawan Vehicle.
 - 1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
 - 2. Employees shall inform the Borough of Matawan within twenty-four (24) hours of any changes in the status of their driving privileges.
 - 3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate a Borough of Matawan vehicle and may also result in the denial of indemnification and/or defense by the Borough of Matawan to the employee in any civil or criminal matter brought in any Court arising from the use of a Borough of Matawan vehicle while said employee's driving privileges were suspended or revoked.
- B. The Borough of Matawan reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.
 - 1. The Borough of Matawan reserves the right to suspend an employee's Borough of Matawan driving privileges if the Borough of Matawan deems necessary based on the employee's driving record.
 - 2. The Borough of Matawan shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.
- C. The Borough of Matawan occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.
- D. If requested by the Business Administrator or human resources official, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.

- E. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Borough of Matawan and await clearance to resume driving.

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

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

Location of Vehicles: Employees who are assigned the regular use of a Borough of Matawan Vehicle for official business may, with written permission of his/her Department Head, take the Borough of Matawan Vehicle home at night and keep said vehicle at home while off duty.

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

Commuting: The use of a Borough of Matawan Vehicle for driving to and from work is voluntary and does not entitle the employee to compensation or pay while engaged in that activity.

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

- A. In the event of an incident or accident involving the use of a Borough of Matawan Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Chief Administrative Business Administrator within two (2) business days of receipt.
- B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Borough of Matawan.

Citations and Violations: Operators of Borough of Matawan Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission.

Drivers are responsible for paying any moving violation tickets and MUST notify the Borough of Matawan of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred. The Borough of Matawan should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket. Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass). Upon having been notified of said violation, either by direct mail or notice from the Borough of Matawan, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the Borough of Matawan that the outstanding toll and any related fees have been paid.

General Policies and Procedures. Employees authorized to use a Borough of Matawan Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

- A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
- B. Employees assigned exclusive use of a Borough of Matawan Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Borough of Matawan, in order to maintain all manufacturers' warranties (including routine oil changes).
- C. Vehicles are to be kept clean at all times and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).
- D. No smoking is allowed in Borough of Matawan Vehicles at any time.
- E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Borough of Matawan Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.
- F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."
- G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.
- H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.
- I. Employees who drive their own vehicle for Borough of Matawan business must provide the Borough of Matawan with a copy of their current Certificate of Insurance evidencing liability limits of _____.

Violation of this policy may result in disciplinary action up to and including the suspension of the employee's privilege to operate a Borough of Matawan Vehicle and/or termination.

Work Schedule:

(1) Accurate and complete time and attendance records shall be maintained by each department unit. ~~A time report for each week shall be prepared by the department head and forwarded to the Borough Administrator no later than 10:00 a.m. the first work day following the end of the pay period.~~

(2) The regular hours of work for full-time borough employees shall be as follows:

Borough Office and Other Clerical	8:30 a.m. – 4:30 p.m. Monday thru Friday 1 hour for lunch 35 hours per week
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Public Works Department	7:00 a.m. – 3:00 p.m. Monday thru Friday One half hour for lunch 40 hours per week
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Police Department	In accordance with schedule determined by Chief of Police
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All other Departments by Borough Administrator assignment.

(3) Any changes in the established hours of work must be authorized in advance by the Borough Council.

(4) Lunch period shall be specified by the department head and shall be strictly observed.

Questions Regarding These Policies

Any questions regarding this policy should be referred to Administration.

SECTION FIVE – TIME OFF FROM WORK

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

Paid Holiday Policy:

Each Borough employee, except employees covered by a collective bargaining agreement, shall receive the following holidays:

Half day for New Year's Eve	Columbus Day
New Year's Day	Election Day
Martin Luther King, Jr. Day	Veterans Day

President's Day	Thanksgiving Day
Good Friday	The day after Thanksgiving Day
Memorial Day	Half day for Christmas Eve
Fourth of July	Christmas Day
Labor Day	

The above-mentioned holidays shall be included in the employee's regular pay period.

Vacation Leave Policy:

Each employee, with the exception of employees represented by unions, who has had the length of continuous employment specified in the table following shall be entitled to the working time shown as vacation with pay at his or her regular rate of pay.

Employees hired prior to 1/1/98

<u>Length of Employment</u>	<u>Vacation Time</u>
1-5 years	10 days (2 weeks)
6-10 years	15 days (3 weeks)
11-15 years	20 days (4 weeks)
16-20 years	25 days (5 weeks)
21 years or over	30 days (6 weeks)

Employees hired on or after 1/1/98

<u>Length of Employment</u>	<u>Vacation Time</u>
1-5 years	10 days (2 weeks)
6-10 years	15 days (3 weeks)
11 years or over	20 days (4 weeks)

For employees hired prior to October 18, 2023: New hires shall not be eligible for vacation until the completion of one full calendar year of service with the Borough. Eligibility for vacation shall be computed as of the first day of the month in which the individual employee was hired.

For employees hired on or after October 18, 2023: New hires shall not be eligible for vacation until the completion of their probationary period with the Borough. Eligibility for vacation shall be computed as of the first day of the month in which the probation was completed. For the first year of employment, vacation time shall be accrued monthly at a rate one (1) day a month until the annual allotment is reached or the year ends.

Vacation time shall not be cumulative from year to year. However, the Borough recognizes the need might arise for an individual to carry over a given amount of vacation time from one year to the next. The Borough shall grant any individual employee an opportunity to submit a special request to the Borough Administrator for the carryover of a maximum of one (1) year's vacation under specific individual circumstances. The Borough reserves the right to either approve or deny the request based solely upon the Borough Administrator's discretion. However, no employee shall lose vacation time by virtue of being required to work during his or her scheduled vacation. All requests for vacation or leaves of absence shall be acted and decided upon within fifteen (15) days.

The Borough shall grant any individual employee an opportunity to submit a special request to the Borough Administrator for compensation of up to five (5) days of unused

vacation time annually. The Borough reserves the right to either approve or deny the request based solely upon the Borough Administrator's discretion.

To facilitate proper planning and scheduling, all employees must provide a minimum of two weeks' notice for any planned vacation time off. This advance notice allows the Borough to assess staffing needs and make appropriate arrangements to ensure that essential tasks and projects are not compromised. Each department shall set a maximum number of employees that can be scheduled off at any given time ensure their department's essential functions can be accomplished. In the event that multiple employees in the same department request time off for the same time, priority will be given based on seniority.

Vacation schedules for employees that are represented by unions, such as PBA Local 179 and IBEW 400, shall be in keeping with vacation provisions incorporated in their respective contracts.

Bereavement Leave Policy:

Each employee shall be granted three (3) days leave with pay upon the death of a member of his or her immediate family. A fourth (4th) day may be granted by the Borough Administrator if needed. Bereavement shall continue either upon the date of death or the day of funeral. Immediate family shall be defined to include spouse, children, stepchildren, brother, sister, parents, father-in-law, ~~or~~ mother-in-law, or grandparents.

Employees shall be granted two days off with pay to attend the funeral of any other relative as approved by the Borough Administrator.

Employees represented by recognized union contracts shall be entitled to bereavement leave in keeping with the terms and conditions established in the contract.

Family and Medical Leave Act Policy:

In accordance with the federal Family and Medical Leave Act ("FMLA"), the Borough of Matawan provides eligible employees with up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees' rights and obligations under the FMLA and the Borough of Matawan's policies implementing the FMLA.

Leave Available. Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for any one or more of the following reasons:

- The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;
- A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or
- A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee's inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);

- Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the Regular Armed forces, National Guard or Reserves on active duty status during the deployment to a foreign country, and or has been notified of an impending call to active duty status as such in support of a contingency operation.

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Servicemember shall be entitled to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for the Covered Servicemember. During this single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Servicemember shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

1. Definitions

- a. “Covered Service Member” means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member’s initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- b. “Eligible Employee” means an individual who has been employed by the Borough of Matawan for at least twelve (12) months, has worked at least 1,250 hours during the preceding twelve (12) month period, and is employed at a worksite with at least fifty (50) employees within seventy-five (75) miles of that worksite.
- c. “Next of kin” means the nearest blood relative of the individual.
- d. “Qualifying Exigency” covers a number of broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the Borough of Matawan and the employee.
- e. “Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.
- f. “Serious Injury or Illness” means an injury or illness incurred by a Covered Service member in the line of duty or on active duty in the Armed Forces, National Guard or Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active duty service, that may render the service member medically unfit to perform the duties of the member’s office, grade, rank or rating.

Eligibility: Any employee who has been employed by the Borough of Matawan for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period.

The twelve (12) month period shall be determined by using a rolling twelve (12) month period that commences with the first day of leave taken.

Leave to care for a child after birth, adoption, or foster care must conclude within twelve (12) months of the child's birth or placement. If both spouses work for the Borough of Matawan, they may only take a total of twelve (12) weeks between them during the twelve (12) month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition and a combined twenty-six (26) weeks in a single twelve (12) month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reasons. Each spouse may be entitled to additional leave for other qualifying reasons under the FMLA, such as the employee's own illness or for the serious illness of the employee's child.

Notice: When the leave is foreseeable, at least thirty (30) days' advance notice to the Borough of Matawan, in writing, is required. If thirty (30) days' notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

Certification: Where leave is taken to care for a family member with a serious health condition or because of the employee's own serious health condition, medical certification is required and periodic recertification may be required. In addition, where the leave is taken because of the employee's own serious health condition, a certification of fitness to return to work will be required.

The Borough of Matawan, at its expense, may require an examination by a second healthcare provider designated by the Borough of Matawan. If the second healthcare provider's opinion conflicts with the original medical certification, the Borough of Matawan, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member. For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Service member to support such leave.

Absent unusual circumstances, medical certifications must be provided within fifteen (15) days. The Borough of Matawan will also require periodic status reports from employees concerning their intended return date.

Failure to provide requested documentation may result in denial of leave: The Borough of Matawan may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the Borough of Matawan may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

Utilization of Paid Leave: Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will

run concurrently with the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time. *[municipality should include one of the following provisions: An employee will be required to use any available accumulated paid leave concurrently with the employee's FMLA leave. OR An employee may choose to use any available accumulated paid leave concurrently with the employee's FMLA leave.]*

Coordination with other Leave Policies: The period of time attributable to the employee's absence due to any workers' compensation, disability, or sick leave, will be counted against available leave under this policy to the extent permitted by law. In the event that additional family, medical or sick leave is available pursuant to state laws, this leave will also run concurrently with FMLA leave to the extent permitted by law.

Intermittent Leave: When medically necessary, leave taken because of a serious health condition of an employee or family member or to care for a Covered Service member may be taken on an intermittent or reduced work schedule basis. The employee and Borough of Matawan shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the Borough of Matawan's operations, subject to the approval of the employee's health care provider. The Borough of Matawan may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternative position with equivalent pay and benefits that is better suited to the leave schedule.

Employment and Benefits Protection: During the leave, health benefits will continue for up to twelve (12) weeks in each rolling twelve (12) month period under the same conditions as if the employee continued to work. Employees must, however, pay the same amount for any benefits continued as they do prior to the leave. Other benefits, if any, will continue during the leave under the same conditions as if the employee continued to work.

If paid leave is substituted for unpaid FMLA leave, the Borough of Matawan will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee must pay his/her portion of the premium in accordance with a payment method that is devised and mutually agreed upon between the employee and the Borough of Matawan.

Employees should consult with their Department Head and human resources official prior to taking an approved leave. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums. With regard to the employee's contribution portion of his/her health benefits pursuant to Chapter 78, P.L. 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the Borough of Matawan or for any voluntary benefits, to the respective insurance company. Your healthcare coverage may cease if your premium payment is more than thirty (30) days late. With regard to any pension contribution that you may have, you must contact the human resources official to make payment arrangements concerning contributions or credits paid toward your pension benefits. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee's own serious health condition, the employee will be required to present a fitness for duty certification from his/her health care provider that

he/she is medically able to resume work. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Borough of Matawan within two (2) business days of the change.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits, and other terms of employment. Individuals identified as "key employees" (the highest paid 10% of salaried employees at the work site or within a seventy-five (75) mile radius of that work site) at the beginning of their leave may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the Borough of Matawan. Employees will be informed of their key employee status at the beginning of the leave period.

A failure to return from FMLA leave for reasons other than the employee's own serious health condition may result in termination of employment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, they must contact the Borough of Matawan before the expiration of the leave to discuss their options under state and federal law. State leave laws may provide additional leave similar to that provided under the FMLA. The Borough of Matawan will comply with these state law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

Family Temporary Disability: During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

Jury Duty Policy:

An employee may be granted jury duty leave with pay and should inquire about the duration of the jury trial in advance of accepting such service. Please contact your supervisor within two business days after receipt of notification to appear.

The employee's supervisor's approval is required in all work-related situations. Sufficient time with pay may be approved.

- a. The employees will receive their regular wages. When they have completed their jury day, they are expected to return to work. When an employee fails to return to work after the completion of jury duty, the time not spent at work will be considered personal.
- b. Although the employees will receive their entire pay, the time slip must be submitted to the Personnel Officer. The nominal fees an individual receives for jury duty are recognized as being paid to cover travel expenses and are not reimbursable to the borough.

Leave of Absence Policy:

For leave not covered by the NJFLA, FMLA or other applicable leave entitlement as required by law, employees may be granted a personal leave of absence for up to six months at the sole discretion of the Borough Administrator if the leave does not cause

undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Borough Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Borough.

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

Military Leave Policy:

The Borough of Matawan provides military leave in accordance with applicable State and Federal law. In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head with a certificate verifying the call to military duty prior to beginning the military leave.

1. Organized Militia. Any permanent or full-time temporary officer or employee, who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled to a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, up to thirty (30) work days in any calendar year. A military leave of absence is in addition to the employees' regular vacation or other accrued leave.

Any leave of absence for such duty in excess of thirty (30) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

2. New Jersey Organized Militia. New Jersey's organized militia consists of the National Guard (Army and Air), the Naval Militia, and the State Guard. Any permanent or full-time officer or employee who is a member of the New Jersey organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence without loss of pay or time on all days during which he or she shall be engaged in State or Federal active duty, up to ninety (90) work days in any calendar year.

Any leave of absence for such duty in excess of ninety (90) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

3. Reinstatement. To be reinstated by the Borough of Matawan without loss of privileges or seniority, the employee must report for duty with the Borough of

Matawan within the time required by law following release from active duty under honorable circumstances.

In accordance with legal requirement, employees who take military leave are required to:

- Provide the Borough of Matawan with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Have a creditable military record including completion of all required training and fulltime service and be discharged under honorable conditions.

On return from a military leave of absence, the employee will be reinstated as required by law. See The Uniformed Services Employment and Reemployment Act ("USERRA"). Failure to comply with the requirement enumerated above or as required by law will jeopardize an employee's reemployment rights.

New Jersey Family Leave Policy:

~~The Borough of Matawan provides eligible employees with up to twelve (12) weeks of continuous unpaid, job-protected leave or up to eight (8) weeks of intermittent unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA). The Borough of Matawan provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA).~~

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Eligible Employees: To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the Borough of Matawan and have worked at least 1,000 hours for the Borough of Matawan over the previous twelve (12) months.

Qualifying Reasons for Leave: An employee may take NJFLA leave to care for:

- A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.
- A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.
- 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:
 - (i) 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;
 - (ii) 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

(iii) 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.

Leave taken to care for a newly born or adopted child or a child placed into foster care with the employee may be consecutive or intermittent and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

Leave Benefits: An employee may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

You may take NJFLA leave to care for a seriously ill family member:

- As a single block of time.
- By reducing your normal work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
- Intermittently when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Borough of Matawan's operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

Depending on the purpose of the employee's leave, the employee may be required to or may choose to use accrued paid leave, concurrently with some or all of his/her NJFLA leave. The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of NJFLA leave. The Borough of Matawan will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

Required Notice and Certifications: When requesting NJFLA leave, an employee must provide the Borough of Matawan thirty (30) days' advance written notice. For employees requesting leave on an intermittent basis, at least fifteen (15) days advance written notice must be provided. If advance written notice is not possible because of an emergency, the employee must provide the Borough of Matawan with reasonable oral notice and then follow up with written notice.

The employee also must give the Borough of Matawan a medical certification supporting the need for leave. The Borough of Matawan reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the Borough of Matawan. If an employee fails to provide the

required documentation, the Borough of Matawan may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with the Borough of Matawan's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

Benefits Protection: During a family leave of absence, the employee's health benefits will be maintained under the same conditions as if the employee continued to work. If the employee decides to return to work when his/her family leave of absence ends, the employee may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee decides not to return to work when the family leave of absence ends, the employee may be required to reimburse the Borough of Matawan for the health insurance premiums paid on his/her behalf during the leave of absence (except if the failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle the employee to a leave of absence under the law or other circumstances beyond the employee's control).

With regard to any pension contributions, the employee must contact the human resources official to make payment arrangements concerning contributions or credits paid toward his/her pension benefits. Employees should consult with the Borough of Matawan prior to taking an approved leave.

Returning to Work after NJFLA Leave: On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the twelve (12) week NJFLA entitlement will be subject to the Borough of Matawan's standard leave of absence and attendance policies. This may result in termination if the employee's continued absence is unauthorized (for example, if the employee has no other Borough of Matawan-provided leave available to him/her).

Retaliation Prohibited: The Borough of Matawan and the NJFLA prohibit the interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. The Borough of Matawan encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the human resources official.

New Jersey Family Leave Insurance: During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee's job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Employees must provide the Borough of Matawan with advance notice of need for leave, as follows:

- At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
- In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.
- At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

Application for Family and/or Medical Leave
(FMLA) and/or New Jersey Family Leave
(NJFLA)

Name: _____ Date of Request: _____

Mailing Address:

Department: _____ Hire Date: _____

Title: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave:

☐ I request family leave to care for my newborn child, newly adopted child, or a newly placed foster child in my home.

☐ I request family leave to care for my family member with a serious health condition. I request family leave to care for:

☐ Spouse ☐ Child ☐ Parent

NJFLA Only: ☐ Parent-in-Law ☐ Civil Union/Domestic Partner

Name: _____ Address: _____

☐ I request medical leave to care for my own serious medical condition.
Describe serious health condition:

☐ I request military family leave because of a qualifying exigency arising out of the fact that my

☐ Spouse ☐ Child ☐ Parent is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or reserves.

☐ I request military family leave because I am the
☐ Spouse ☐ Child ☐ Parent ☐ Next of Kin a covered service member with a serious injury or illness.

Application for FMLA and/or NJFLA (cont'd)

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), I will be returned to my same or equivalent position.

I understand that if my family or medical leave exceeds twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), the Borough of Matawan may terminate my employment in accordance with the applicable law.

If my request for leave is approved, it is my understanding that unless the Borough of Matawan has authorized an extension of my leave in writing, I must report to duty on the first workday following the date my leave is scheduled to end.

I understand that failure to return to work within five (5) consecutive working days

following the expiration of the leave will constitute unequivocal notice of my intent not to return to work and the Borough of Matawan may terminate my employment.

Signature of Employee: _____ Date: _____

Received By:

Borough of Matawan Representative

Complete and Return To:
Matawan Business Administrator

Return to Work Medical Certification

Employee Name: _____

Position: _____

Date leave commenced: _____

Date employee can return to work: _____

To Be Completed by Health Care Provider:

_____ 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.

Signature of Health Care Provider: _____ Date: _____

Print Name of Health Care Provider: _____

Address and Phone: _____

Type of Practice / Area of Specialization: _____

Outside Employment Policy:

Full-time employees of the Borough of Matawan may engage in outside employment if:

- (1) They maintain the Borough of Matawan as their primary employer;
- (2) Such employment does not conflict with their duties or their position as a Borough employee.

Personal Leave Policy:

~~Full~~ Full-time employees working five days per week are entitled to five personal days per year, after 12 consecutive months of employment. Part time employees working 20 hours or more per week are entitled to two personal days per year, after 12 consecutive months of employment. —Personal days cannot be accumulated from year to year. Upon termination of employment, an employee will forfeit his or her accrued but unused personal days. The Borough will not compensate employees for accrued but unused personal days.

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~~Personal leave may be used in increments as small as thirty minutes. The smallest increment that may be used is 1/2 of a personal day.~~

Personal days shall not be used the day before or the day after a holiday. Use of a personal day the day before or the day after a holiday shall result in the loss of holiday pay.

All employees should inform their department head as far in advance as possible when they intend to take their personal days. With the exception of extraordinary and unanticipated circumstances, notice of intention to exercise the use of personal days shall be given in writing to the employee's supervisor at least five (5) work days in advance of its use.

Personal leave for employees that are represented by unions, such as PBA Local 179 and IBEW 400 shall in keeping with personal leave provisions incorporated in their respective contracts.

Sick Leave Policy:

A full-time borough employee is entitled to sick leave if he or she is incapacitated through sickness or injury to a degree that makes it impossible for the employee to perform the duties of his or her position, or if a physician quarantines an employee because of exposure to a contagious disease.

All full-time employees not covered by union contracts shall be entitled to fifteen (15) days of sick leave at their regular rate per year. Employees shall also be entitled to accumulate unused sick leave at their rate of pay at time sick leave was earned.

If an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her supervisor not later than one (1) hour prior to the employee's usual reporting time.

Failure of an employee to notify his or her supervisor may be cause for denial of the use of sick days for that absence and constitute cause for disciplinary action.

The department head or Borough Administrator may require that any absence in excess of three consecutive work days be certified by a written statement of the attending physician. In addition, the Borough Administrator may require that any employee absent in excess of three consecutive work days be examined by the Borough physician.

In cases of extended illness, disability, or a pattern of absences, the employee shall furnish such reports or medical certificates of his condition as may be required by his

department head. Additionally, the Borough Administrator may require that the employee be examined by the Borough physician prior to returning to work, to determine the employee's fitness to perform the requirements of his or her position.

A new employee shall not be granted sick leave during the initial three (3) months of employment unless such request is accompanied by a physician's certification.

At retirement in good standing after fifteen (15) years or more of total service, full-time employees not covered by a collective bargaining agreement with a recognized bargaining unit will be compensated for unused accumulated sick leave not to exceed \$15,000.

For purposes of this section, retirement shall be defined by the PERS manual, categories 89.1 and 89.2. This benefit does not apply to any employee taking the deferred retirement option.

If the Borough promotes an employee to a title covered by this manual rather than a union contract, the employee's accumulated sick time which is in excess of the maximum allowance listed in the manual shall not have the accumulation reduced except by use of sick time.

Sick and terminal leave benefits for employees that are represented by unions, such as PBA Local 179 and IBEW 400, shall be in keeping with sick and terminal leave provisions incorporated in their respective contracts.

Witness Duty Leave of Absence:

The borough is aware that employees may be subpoenaed to appear as witnesses in trials before the court. For personal matters, employees will use available personal days.

SECTION SIX – COMPENSATION & BENEFITS

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

Conference and Seminar Policy:

See most recent policy available through the Borough Administrator's Office

Deferred Compensation Policy:

See most recent policy available through the Borough Administrator's Office.

Educational Assistance and Training Policy:

The following policies and procedures pertain to employees other than those represented by unions or associations such as the PBA or IBEW. Employees represented by unions or associations shall be entitled to educational benefits, if any, as described in the applicable collective bargaining agreement.

(1) Purpose - To provide financial incentives for Borough employees to increase their ability to perform assigned responsibilities through successful completion of approved academic training programs.

(2) Policy- The Borough will reimburse employees up to the current dollar value of tuition at Brookdale Community College per credit rate for tuition costs incurred in the successful completion of approved course work. Employees wishing to attend private universities or colleges shall pay the difference between the tuition of the private college or university and the tuition of Brookdale Community College. This reimbursement shall not be applicable to course work taken at the direction of and at the expense of the Borough.

(3) Coverage - All full-time employees, other than those represented by unions or associations such as the PBA or IBEW, are eligible to participate in the Educational Incentive Program.

(4) Eligibility

- a. Employee must be in good standing.
- b. Instruction must be conducted at a school approved by the governing body.
- c. The governing body must provide advance approval of the academic program.
- d. Employee must successfully complete the course in accordance with the school's academic standards.
- e. Covered courses are those which, in the judgment of the department head and Borough Administrator, will potentially increase the employee's ability to perform their current or projected responsibilities.

(5) Procedure

- a. Because all expenditures planned by the Borough must be appropriated in the calendar year budget, employees interested in taking a course shall provide the governing body with their written request no later than December 1st of the year preceding the anticipated registration for the course.
- b. The employee's written request shall state the following information:
 - i. Course title;
 - ii. Course description; and
 - iii. Name of educational institution

If available, the employee shall attach the course description provided by the educational institution to his or her request. The employee shall file his or her written request along with information regarding the course with the Personnel Officer.

- c. The governing body shall communicate its decision as to whether the course qualifies for reimbursement to the employee in writing. A copy of the governing body's communication will be filed with the Borough Treasurer to ensure that the Borough incorporates the provision for reimbursement in the budget.

- d. The employee should notify the governing body of his or her successful completion of an approved course by forwarding an official school document which evidences the employee's performance in the approved course and a receipt for tuition paid to the governing body.
- e. The governing body shall advise the Personnel Officer and the Borough Administrator by copy of a letter to the employee as to whether the employee shall be reimbursed and the rate at which the employee shall be reimbursed in accordance with the following schedule:

Reimbursement Schedule

(Based on Brookdale Community College Prevailing Tuition)

<u>Grade Accomplished</u>	<u>% of Tuition Reimbursement</u>
80 – 100 %; A, or B, "Excellent" or "Good"	100%
Passing but below 80%; C, "Satisfactory"	50%
Below 70%; D, F, "Failure" or "Unsatisfactory"	0%

- f. Employees who receive reimbursement under this policy must remain in the Borough's employ for at least five years after completing a course paid for by the Borough. If the employee voluntarily separates his or her employment within five years after completing a course paid for by the Borough, the employee must reimburse the Borough the tuition received under this policy.

Supplemental Tuition and Training Reimbursement Repayment Clause

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In addition to the Educational Assistance and Training Policy, employees who receive Borough-sponsored tuition assistance or participate in non-mandatory training programs or certificate/licensure courses with a total cost exceeding \$500 shall agree to remain employed by the Borough for a minimum of two (2) years following completion.

If the employee voluntarily resigns or is terminated for cause before the two-year period concludes, the employee shall reimburse the Borough for the costs incurred on a prorated basis.

This provision does not apply to routine, mandatory, or employer-assigned professional development, certifications, or continuing education units (CEUs) required to maintain an employee's current role.

Employee Assistance Policy:

Reserved.

Employee Development and Attendance at Outside Meetings:

Outside activities are separated into two categories: Required; and Essential or Directly Beneficial to the Borough.

(1) Required - Required outside activities include seminars or classes that an employee must attend to obtain or maintain their position in the Borough.

Employees should submit requests to attend instructional sessions to the Borough Administrator for approval. Requests should be submitted in writing as soon as the employee is aware of the need for the instruction. The request must state the reason the instruction is required and the cost of the instruction.

The Borough will pay mileage and costs for courses or seminars required to maintain a currently held position.

For courses or seminars required to obtain the credentials for a position currently held or applied for, mileage will not be paid and tuition reimbursement will be made upon satisfactory completion of the required course. No reimbursements will be made until the employee presents proof of satisfactory completion to the governing body.

Mandatory Police Department courses require approval of the Police Chief.

(2) Essential or Directly Beneficial to the Borough - Certain employees will attend selected State and/or County meetings relevant to the employee's position. Employees shall submit request in writing to the Borough Administrator, who will keep the governing body abreast of the continuing development of the borough employees. The governing body will provide approval on an individual basis. Since employee attendance at these meetings benefit the borough, the borough will pay fees and mileage. Any meetings, conferences or seminars outside the State shall require special permission from the governing body. Essential or directly beneficial Police Department courses require approval of the Police Chief.

Health Insurance Policy:

Please note: Full details of employee's health, medical and hospitalization plans can be found in the official insurance plan documents. If there is any conflict or inconsistency between the information in the policy and procedures manual and the official documents, the official documents will govern. The borough reserves the right to modify, revoke, suspend, terminate or change any or all such plans, in whole or in part, at any time with or without notice.

Consolidated Omnibus Budget Reconciliation Act of 1986

On April 7, 1986, a federal law was enacted (Public Law #99-272, Title X) requiring that most employers sponsoring Group Health Plans offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) at group rates in certain instances where coverage under the employer's plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. (Both you and your spouse should take the time to read the section of this manual carefully.)

If you are an employee covered by the Borough's group health plan, you have a right to choose this continuation coverage if you lose your group health coverage because of a

reduction in your hours of employment or termination of your employment (for reasons other than gross misconduct on your part), or if you are a retiree, or because your employer has filed for reorganization under Chapter 11 of the Bankruptcy Code.

If you are the spouse of an employee (or a retiree for reason #5 below) covered by the Borough's plan, you have the right to choose continuation coverage for yourself if you lose group health coverage under the plan for any of the following reasons:

1. The death of your spouse.
2. A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment.
3. Divorce or legal separation from your spouse.
4. Your spouse is entitled to (covered under) Medicare.
5. Your spouse's employer filed for Chapter 11 reorganization.

In the case of a dependent child of an employee (or retiree for reason #6, below) covered by this plan, he/she has the right to continuation coverage if group health coverage under the Borough's plan is lost for any of the following reasons:

1. The death of a parent.
2. Termination of a parent's employment (for other than gross misconduct) or reduction in hours of employment.
3. Parent's divorce or legal separation.
4. A parent becomes entitled to (covered under) Medicare.
5. The dependent ceases to be a dependent child under the plan.
6. The parent's employer files for Chapter 11 reorganization.

Under the law, the employee or family member has the responsibility to inform the plan administrator, in this case, the Borough Administrator, of a divorce, legal separation, or the Social Security determination that a qualified beneficiary was disabled at the time of the employee's termination or reduction in hours, or a child losing dependent status under the plan, within sixty (60) days of the qualifying event or Social Security determination of disability. The Borough Administrator has the responsibility to notify the plan supervisor of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the Borough Administrator is notified that one of these events has happened, the Borough Administrator will in turn notify you that you have the right to choose continuation coverage. Under the law, you have at least sixty (60) days from the date you would lose coverage because of one of the events described above to inform the Borough Administrator that you want continuation coverage.

If you do not choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, the Borough is required to give you coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months, unless the Social Security Administration determines that you were disabled at the time of

termination or reduction of hours and you inform the Borough Administrator before the end of the eighteen (18) month period, in which case your coverage may be extended up to twenty nine (29) months. If during the eighteen (18) months another event takes place that also entitles you to coverage, coverage may be extended. The total amount of continued coverage is limited to thirty six (36) months.

The law, however, also provides that your continuation coverage may be cut short for any of the following reasons:

1. The Borough no longer provides group health coverage to any of its employees.
2. The premium for your continuation coverage is not paid in a timely fashion.
3. You become covered under another group health plan that does not include a pre-existing condition(s) clause that applies to you or to a covered dependent.
4. You become entitled to (covered under) Medicare.

You do not have to show that you are insurable to choose continuation coverage. Under the law, however, you may have to pay all or part of the premium for your continuation coverage; you will have a grace period of at least thirty (30) days in which to pay the regular premiums. The law also says that, at the end of the eighteen (18) month, twenty nine (29), or three (3) year continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under this plan, if applicable.

If you have any questions about the law, please contact the Borough Administrator.

Also, if you have changed marital status, or you or your spouse have changed addresses, please notify the Borough Administrator.

Mandatory Direct Deposit Policy:

Direct deposit of net pay shall be mandatory for all employees of the Borough of Matawan in a specific banking institution based on information provided by the employee. Compliance by an employee shall be mandatory; except that the Mayor and Council may, by resolution, grant an exemption from the direct deposit requirement on such terms and conditions as the Mayor and Council may deem necessary.

~~Seasonal and temporary employees who are employed by the Borough of Matawan are exempt from the direct deposit mandate.~~

Overtime Compensation Policy:

The Borough of Matawan complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act.

Under the Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$107,432 per year depending upon their job duties. The Business Administrator shall

notify all Exempt employees of their status under the Act. 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 Business Administrator's prior approval and at the sole discretion of the Business Administrator.

Depending on work needs, employees may be required to work overtime. Employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Business Administrator. Employees working overtime without prior approval will be subject to disciplinary action.

Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over forty (40) in a workweek. Employees may choose overtime compensation in the form of overtime pay or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is (insert number of hours). Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Employees engaged in police and fire protection work may accrue up to 480 hours of compensatory time.

Employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28.

Accrued and taken overtime compensating hours must be noted on the employee's time sheet. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.]

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

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid twice per month, with overtime being held back for two weeks in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

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

Recreational Benefit Policy:

See most recent policy available through the Borough Administrator's Office.

Retirement Policy:

- (1) Social Security - All Borough employees, other than members of the Police Department, are covered by and match the Borough's contribution to Social Security (Federal Old-Age, Survivors, and Disability Insurance).
- (2) State Administered Plans - As a condition of employment, all full-time policemen are enrolled in the Police and Firemen's Retirement System of New Jersey ("PFRS") and all other full-time and permanent part-time employees are enrolled in the Public Employee's Retirement System of New Jersey ("PERS"). All rules and regulations pertaining to retirement as it applies to these plans are explained in detail in the latest edition of the New Jersey Public Employee Benefit Manual. Employees may obtain a copy of the manual from the State of New Jersey Division of Pensions.
- (3) Contributions - Members of PFRS and PERS contribute to their respective systems at State regulated rates. The Borough contributes to the systems in amounts set by the State, to keep the systems actuarial sound.
- (4) Retirement - Retirement benefits at prescribed percentages of average salary are provided under both systems.

An employee intending to retire should give the Borough Council at least three months written notice. Additionally, the employee should apply to PFRS or PERS for pension benefits and information at least six months prior to planned retirement to assure that all necessary paperwork from the State is processed in a timely manner.

- (5) Life Insurance - Group Life Insurance is provided by the PFRS at no cost to the employee. Under PERS, group life insurance is provided on both a contributory and non-contributory basis. During the first 12 months of service, an employee is required to contribute 1% of his annual salary; thereafter, the employee may choose lesser coverage at a cost of 0.5% of salary.
- (6) Retired Employees Health Insurance Benefits - The Borough elects to provide eligible retired employees with health insurance benefits. Employees qualify for retiree health coverage if they retire:
 - (1) With 25 years or more of service credit in the Police and Firemen's retirement system or the Public Employee Retirement System (PERS) and after 25 years of service with the Borough of Matawan; or
 - (2) On a disability pension regardless of the number of years of service.

Spouses and other dependents of employees may seek coverage under the retirees' health insurance plan, but must fully contribute to the cost of such plan.

Workers Compensation Policy:

The Borough of Matawan will provide Workers' Compensation as required by State Law for all employees.

PROCEDURE

- A. Any time an accident or injury occurs while on the job, an employee shall report the incident to his/her supervisor immediately, no matter how small the injury. In addition, the supervisor must complete an accident report and give the report to the Department Head for submission to the Borough Administrator immediately after injury.
- B. Department Head will transmit the accident report to the Personnel Officer within twenty-four (24) hours.
- C. Continuation of benefits while on Workers' Compensation will be in accordance with N.J. Division of Pensions Employee Benefit Manual.

SECTION SEVEN – MANAGERIAL & SUPERVISORY PROCEDURES

Continuing Education Procedure:

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

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

Disciplinary Action Procedure:

All employees are expected to meet the borough'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 borough's policies and procedures and other disciplinary problems. Please note; however, that the Borough of Matawan is an at will employer, meaning that employment may be terminated at any time at the discretion of the Borough.

Should a supervisor believe that an employee is not conforming to the borough's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record:

- **Verbal Warning:** 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 (Personnel Administrator title) for the employee's official personnel file.
- **Borough Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Warning:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. 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 Personnel Officer for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Borough Administrator will make the decision and may seek the advice of the Labor Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough Administrator after determining cause, must make such written recommendation ~~will make any such recommendation~~ to the Borough Council who will make the decision only after seeking the advice of the Labor Attorney. 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.

Employee 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 visitor that they believe to be improper.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor, Department Head, or Personnel Officer must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator, in which case the complaint shall be made directly to the Borough Attorney or Conflict Labor Attorney. Complaints regarding any Elected Official should be reported to the Borough Attorney or Conflict Labor Attorney. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance

procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator 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 Borough Administrator will seek the advice of the Labor Attorney when planning the investigation. The investigation should be conducted by the Labor Attorney 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 Borough Administrator will discuss the conclusions with the Labor Attorney and render a decision within fourteen 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 Borough 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 Borough Administrator will formulate with the advice of the Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Employee Handbook Procedure:

The Personnel Officer with the assistance of the Labor Attorney may draft an Employee Handbook for the approval of the Borough Administrator. A separate version of the Handbook may be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in

the official personnel file. The Handbook may be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Employee Performance Evaluation Procedure:

The Borough of Matawan recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. The Borough of Matawan requires supervisors to conduct performance appraisals to ensure that:

1. each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement;
2. each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify with his or her supervisor areas where greater contribution is possible, or where either feels more development would be beneficial; and
3. essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

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

All performance evaluations shall be completed and filed no later than December 31 of each year. In exceptional circumstances where timely completion is not feasible, the Borough Administrator may authorize an extension of the deadline in writing, applicable only to the affected employee(s).

During performance reviews, supervisors will consider, among others:

- Initiative, dependability and effort
- Knowledge of work
- Attitude and willingness
- Quantity and quality of work
- Disciplinary record
- Attendance and tardiness

Evaluations shall be conducted using a Borough-approved evaluation form, which shall be developed collaboratively with supervisory staff and approved by the Borough Administrator in consultation with the Labor Attorney. The approved form will establish the performance criteria and standards to be applied consistently across all departments.

As part of the evaluation process:

- The Department Head shall complete the evaluation form to measure progress and encourage self-improvement.

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- o The evaluation shall record additional duties performed, educational courses completed, and any plan to correct weak points using the Employee Counseling form, if applicable.
- o After completing the evaluation, the supervisor or Department Head shall review the results with the employee and obtain a signed acknowledgement.
- o The completed evaluation shall then be submitted to the Borough Administrator for review. Following review, the form(s) will be forwarded to the Personnel Officer for inclusion in the employee's official personnel file.
- o Employees have the right to request a conference with the Borough Administrator as part of the evaluation process.

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Performance evaluations shall be considered in all employment-related decisions as part of a fair and documented decision-making process.

A copy of an employee performance evaluation shall be maintained in the employee's personnel file.

Employment Procedure:

- **Recruitment:** The Borough Administrator in conjunction with the Personnel Officer will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. 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 Borough of Matawan, County of Monmouth, State of New Jersey is an equal opportunity employer.
- **Applications:** 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.
- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants.
- **Physical Examinations:** The Borough Administrator may require applicants, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The Borough Administrator 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 Borough at the expense of the borough. All medical records of

employees and prospective employees are confidential and are to be maintained by the HIPAA coordinator separate from the employee's official personnel file.

- **Job Offers:** The Borough Administrator shall notify the Mayor and/or Borough Council of which applicant he recommends for hire. The final decision will be made by the Borough Council or other individual so designated. The Borough Administrator shall ensure that all references and other information have been verified. Every effort shall be made to offer reasonable accommodations pursuant to the Americans with Disabilities Act. 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 Borough Administrator will decide to recommend another candidate for hire or to 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.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Personnel Officer. 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 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.

Initial Employment Period Procedure:

See Applicable Sections of Ordinance No. 96-43 "Policies and Procedures Manual of the Borough of Matawan"

Nepotism Procedure:

Unless otherwise provided by law or collective bargaining unit 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.

For purposes of this policy, immediate relative includes 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.

Open Public Meetings Act Procedure concerning Personnel Matters:

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

Personnel File Procedure:

The official personnel files shall be maintained by the Personnel Officer or the Borough Administrator and employee medical information will be maintained in a separate file. At least annually, the Personnel Officer will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall 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;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Processing and Orientation of New Employees Procedure:

All new regular full-time and regular part-time employees will be scheduled to meet with the Borough Administrator, Personnel Officer and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Personnel Officer for inclusion in the employee's official personnel file. The orientation will 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;
- A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

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

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