TOWNSHIP OF
LOWER ALLOWAYS CREEK
PERSONNEL POLICIES
AND PROCEDURES
MANUAL

MAY 2016

DISCLAIMER

THE CONTENTS OF THIS MANUAL ARE PRESENTED AS A MATTER OF INFORMATION ONLY. THE PLANS, POLICIES AND PROCEDURES DESCRIBED ARE NOT CONDITIONS OF EMPLOYMENT. THE TOWNSHIP RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, POLICIES, OR PROCEDURES, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE. THE LANGUAGE WHICH APPEARS IN THIS MANUAL IS NOT INTENDED TO CREATE NOR IS IT TO BE CONSTRUED TO CONSTITUTE A CONTRACT BETWEEN THE TOWNSHIP AND ANY ONE OR ALL OF ITS EMPLOYEES. EXCEPT AS OTHERWISE PROVIDED BY A COLLECTIVE BARGAINING AGREEMENT OR APPLICABLE LAW, ALL EMPLOYEES ARE EMPLOYEES AT-WILL. THIS MEANS THAT ANY EMPLOYEE MAY VOLUNTARILY TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, FOR ANY REASON. IT ALSO MEANS THAT THE TOWNSHIP MAY TERMINATE ANY EMPLOYEE'S EMPLOYMENT AT ANY TIME WITH OR WITHOUT GOOD CAUSE.

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

ALL FORMS REFERRED TO IN THIS MANUAL ARE AVAILABLE IN THE PERSONNEL AND FINANCE DEPARTMENT.

ACKNOWLEDGMENT OF RECEIPT OF
TOWNSHIP OF LOWER ALLOWAYS CREEK
PERSONNEL POLICIES & PROCEDURES MANUAL

Employee's Name:

Employee Identification No.: Manual No.:

This personnel policy manual is the property of the Township of Lower Alloways Creek (the "Township"). I, _____, acknowledge receipt of this Personnel Policies & Procedures Manual on _____. I understand that this manual explains the Township's policies, and that it is furnished to me for my information. I also understand that this manual supersedes any prior understandings I may have had regarding the Township's employment policies. I acknowledge my responsibility to read and become familiar with the contents of this Manual and update the Manual as instructed.

I understand that the Township may amend, supplement, or terminate the policies that are not set by any valid bargaining agreement, or state or federal law without advance notice to me. I also understand that, except as provided by a collective bargaining agreement or applicable law, all employees are employees at-will. This means that either the Township or I may terminate my employment at any time for any reason, with or without good cause, and with or without notice.

I also understand that, where applicable, the personnel policies contained in this manual are not intended to void, replace, or conflict with negotiated union or association contracts. As to employees with Individual agreements and unionized employees, to the extent a collective bargaining agreement conflicts with these personnel policies, the collective bargaining agreement supersedes and/or modifies these personnel policies.

Upon separation from employment with the Township, this personnel policy manual and any updates shall be returned to the Clerk's Office.

_____ _____
[Signature of Employee] Date

_____ _____
[Signature of Employee Representative] Date

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GENERAL PROVISIONS

Right to Amend Manual

This manual contains the personnel policies and procedures followed by the Township of Lower Alloways Creek ("Township"). The manual is reviewed on an ongoing basis with amendments memorialized annually through formal updates. The Township reserves the right to modify its policies and procedures at any time without prior notice. Consequently, amendments may take effect prior to the distribution of formal updates.

Principles of Application

These policies apply to all employees of the Township. With the exception of employee benefits, these policies also apply to elected officials. The following principles shall guide the application of these policies.

A. Criteria for Employment. Employment with the Township shall be based on merit, ability and experience. It shall not be based on personal and political considerations.

B. Equal Opportunity. Employment opportunities with the Township shall not be affected by an employee or applicant's race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, genetic information, sex, atypical hereditary cellular or blood trait, or other legally protected status. The principle of equal employment opportunity shall apply to all decisions regarding recruitment, hiring, promotion, training, compensation, transfer, layoff, termination and benefits. See Equal Employment Opportunity Policy.

C. Opportunity for the Disabled. The Township is committed to taking all actions necessary to ensure equal employment opportunity for qualified persons with disabilities in accordance with the Americans with Disabilities Act and all other applicable federal, state and local laws. See Americans With Disabilities Policy.

D. Positive Work Environment. Just and equitable incentives and conditions shall be established and maintained to promote efficiency and economy in the operation of the Township government.

E. Continued Employment. Continued employment with the Township cannot be guaranteed, and shall be conditioned upon, among other things, good behavior, satisfactory performance, a need for the work to be performed, and the availability of funds.

F. Harassment. Harassment of or by employees and job applicants based on their age, race, gender, sexual preference, or other legally protected characteristic will not be tolerated by the Township. See Policy Prohibiting Harassment in the Workplace.

G. Coordination with Other Policies. Where any rule, policy or principle contained herein is inconsistent with an individual written contract of employment, a collective bargaining agreement or Police Rules and Regulations, the contract, agreement or Police Rules and Regulations shall govern.

H. Application for Employment Applicants will complete an application for employment and all other necessary forms when applying for a position with the Township. Upon employment these will become part of the employee personnel file. The Township will conduct a criminal records history check and Department of Motor Vehicle Driver's License check on all applicants.

Power of Appointment

Except as otherwise provided by law or ordinance, the Township Committee shall have the authority to appoint and remove employees in accordance with these policies.

Duration of Effect of Personnel Policies

These policies shall remain in full force and effect unless and until modified, amended, suspended or nullified in whole or in part, by action of the governing body. The Governing Body may make such changes at any time with or without notice.

EQUAL EMPLOYMENT OPPORTUNITY

The Township of Lower Alloways Creek maintains a strong policy of equal employment for all employees and applicants for employment. The Township hires, trains, promotes and compensates employees on the basis of personal competence and potential for advancement without regard for 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), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law, as well as other classifications protected by applicable federal or state laws, unless required by a bona fide occupational qualification.

This policy is applicable to all phases of employment, such as recruitment, selection, appointment, placement, promotion, demotion, transfer, training, wages, benefits, working conditions, and such personnel actions as layoff, recall, discharge, disciplinary action, performance evaluation and use of all facilities.

AMERICANS WITH DISABILITIES

The Township complies with the New Jersey Law Against Discrimination and the Americans With Disabilities Act. The Township 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. The Township also will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, 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 Township's nondiscrimination policy applies to all aspects of the employer-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 Township, 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.

Requesting Accommodation

Qualified employees or prospective employees with disabilities 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 Municipal Clerk. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired. The Township may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Township will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Township's business operation.

To further the Township's nondiscrimination policy, the Township 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 a qualified individual.

The Township 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 Township's equal employment opportunity policy, he or she should contact the Municipal Clerk.

POLICY PROHIBITING HARASSMENT IN THE WORKPLACE

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

Applicability

This policy applies to all people employed by the Township of Lower Alloways Creek, including, but not limited to volunteers working on behalf of the Township, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Township are also expected to abide by this policy. In addition, no Township employee shall be required to withstand behavior from the public that violates this policy.

Purpose

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

Provisions

1. All Township employees are expected to avoid any behavior or conduct of a harassing nature. The Township prohibits any form of harassment related to an employee's protected group status, including sex, color, race, ancestry, religion, national origin, age, physical handicap, medical condition, disability, marital status, veteran status, citizenship status, sexual orientation or other group status protected by law.

   Harassment includes, but is not limited to, slurs, jokes, or other verbal, graphic, physical, expressed or implied conduct relating to an individual's protected group status. Any form of harassment related to an employee's protected group status violates this policy and will result in appropriate disciplinary action up to and including termination of employment.

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

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

(1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or

(2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or

(3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct:

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

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

(1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;

(2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;

(3) The display of sexually graphic pictures or pictures of an offensive nature, or object in the work place, including sexually suggestive facsimiles and e-mails;

(4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering 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.

3. Complaint Procedure:

Any employee who feels he or she has been subject to harassment should report the incident directly to the Municipal Clerk. Alternatively, any employee who feels he or she has been subject to harassment may report the incident directly to the Chief Financial Officer or the Township Attorney. The names and contact information of the Chief Financial Officer, Municipal Clerk and Township Attorney are contained in the Contact Information attached to this policy.

The Chief Financial Officer, Municipal Clerk or Township Attorney 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.

Any individual uncomfortable reporting an incident to the Municipal Clerk or Township Attorney should feel free to go to his or her Department Head or any upper management representative with whom he or she feels comfortable to relay the problem. When any upper management representative learns of a violation of this policy, the upper management representative must promptly assist the victim in reporting the alleged incident(s) of harassment. Additionally, the upper management representative shall promptly report the matter to the Chief Financial Officer, Municipal Clerk or Township Attorney.

Any Township employee who feels he or she has been harassed should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. The failure to inform the alleged harasser that the behavior is unwelcome, however, does not prevent the victim from filing a complaint pursuant to this policy.

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

The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 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.

4. Investigation Procedure:

The Township shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Municipal Clerk or Township Attorney shall select an investigator to determine the validity of any complaint. The objective investigator may include the Chief Financial Officer, Municipal Clerk or Township Attorney or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

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

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

At the conclusion of the investigation, the complainant and the accused will be notified in writing of the outcome of the investigation. Upon completion of the investigation, the entire file shall be maintained in a secure location in the Personnel and Finance Department.

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

5. Privacy:

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved 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.

6. Responsibility of Supervisory Personnel:

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Prohibiting 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. Additionally, the supervisor shall report the matter to the Municipal Clerk or Township Attorney for resolution.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Municipal Clerk or Township Attorney for resolution.

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

7. Retaliation Prohibited:

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, it is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

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

8. Training:

Lower Alloways Creek Township may periodically provides training sessions to its employees to enhance their sensitivity to and ability to identify and rectify incidents of

harassment, including sexual harassment. The training is intended to develop a level of awareness among Township employees of the potential effects and consequences of harassment, including sexual harassment, so that employees who believe they have been subject to harassment may exercise their rights in accordance with this policy.

9. Legal Effect:

This Policy Prohibiting Harassment is to be construed as a unilateral expression of the policy of the Township concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is disclaimed. This policy may be amended, supplemented, modified and/or revised at any time.

Any employee with questions regarding the Township's Policy Prohibiting Harassment should contact the Municipal Clerk or Township Attorney.

CONTACT INFORMATION
FOR THE TOWNSHIP OF LOWER ALLOWAYS CREEK
POLICY AGAINST HARASSMENT

Chief Financial Officer:

Mr. Kevin Clour
Chief Financial Officer
Township of Lower Alloways Creek
P.O. Box 157
Hancock's Bridge, New Jersey 08038-0157

Telephone: (856) 935-1549 Ext. 621
E-Mail: KClour_CFO@Comcast.net

Municipal Clerk:

Mr. Ronald L Campbell
Municipal Clerk
Township of Lower Alloways Creek
P.O. Box 157
Hancock's Bridge, New Jersey 08038-0157

Telephone: (856) 935-1549 Ext. 623
E-Mail: lactwpclerk@Comcast.net

Township Attorney

Karin M. Wood
Township Attorney
186 North Broadway
Pennsville, New Jersey 08070

Telephone: (856) 379-3841
E-Mail: attorneywood@comcast.net

HARASSMENT COMPLAINT FORM

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. _____

_____

DESCRIBE THE DATES AND THE NATURE OF THE HARASSMENT ALLEGEDLY COMMITTED BY EACH IDENTIFIED INDIVIDUAL (ATTACH ADDITIONAL SHEETS IF NECESSARY):

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 A LOWER ALLOWAYS CREEK TOWNSHIP SUPERVISOR OR OFFICIAL, PLEASE IDENTIFY THE INDIVIDUAL TO WHOM YOU COMPLAINED, THE DATE OF THE COMPLAINT, AND THE RESOLUTION OF YOUR COMPLAINT:

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?

ACKNOWLEDGMENT

THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

BY: _____

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. LOWER ALLOWAYS CREEK TOWNSHIP 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 DISCHARGE.

I AM WILLING TO COOPERATE FULLY IN
THE INVESTIGATION OF MY COMPLAINT
AND TO PROVIDE WHATEVER EVIDENCE
LOWER ALLOWAYS CREEK TOWNSHIP DEEMS RELEVANT.

BY: _____

DATE:_____

WITNESS STATEMENT FORM

NAME: _____

DEPARTMENT: _____

JOB TITLE: _____

UNION REPRESENTATIVE (IF ANY): _____

LENGTH OF TIME KNOWN

COMPLAINANT _____ RESPONDENT _____

INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

IDENTITIES OF OTHER PERSONS WITH KNOWLEDGE OF FACTS RELEVANT TO THIS INVESTIGATION:

_____
_____
_____
_____
_____
_____
_____
_____
_____

PLEASE PROVIDE A DETAILED DESCRIPTION OF THE EVENTS YOU WITNESSED. INCLUDE THE DATE, TIME, LOCATION AND INDIVIDUALS PRESENT. ATTACH ADDITIONAL SHEETS IF NECESSARY.

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 DISCHARGE.

BY: _____

DATE: _____

POLICY PROHIBITING WORKPLACE VIOLENCE

The Township has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Township or which occur on Township 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 at the Township, or to create a hostile, abusive, or intimidating work environment for one or more Township 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 Township property, regardless of the relationship between the Township and the parties involved in the incident.

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

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

Any threats or acts resulting in the conviction of an employee or agent of the Township, or of an individual performing services on the Township's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Township.

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 Township;

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 Township;

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 Township property.

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

Application of Prohibition

The Township's prohibition against threats and acts of violence applies to all persons involved in the Township's operation, including but not limited to Township personnel, volunteer, contract and temporary workers, and anyone else on Township property. Violation of this policy by any individual on Township property, by any individual acting as a representative of the Township while not on Township property, or any individual acting off of the Township property when his or her actions affect the public interest or the Township's business interests will be followed by legal action, as appropriate. Violation by an 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. In instances that are not emergency situations, contact your Department Head or the Municipal Clerk.

If possible, separate the parties involved in the violent altercation. If the parties can not be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1, and contact your Department Head or the Municipal Clerk.

The Department Head will contact the Municipal Clerk who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the Municipal Clerk or his or her designee will contact the Township Police Department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure

Each Township employee and every person on Township property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware.

In cases where the reporting individual is not a Township employee, the report should be made to the Township Police Department.

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

Nothing in the policy alters any other reporting obligation established in Township 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.

Questions about Policy

Employees shall refer any questions regarding his or her rights and obligations under the policy to the Municipal Clerk or his or her designee.

WHISTLE BLOWER POLICY

As a matter of policy, the Township abides by all federal, state, and local laws, rules, and regulations applicable to it and to have all its employees do the same. Every employee is responsible for assisting the Township 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 Municipal Clerk. The written statement should detail the specific information the employee possesses so that the Township may undertake an investigation.

The Township 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 Township nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee for:

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. § 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

Disclosure to the Township 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 Township a reasonable opportunity to correct the activity, policy or practice.

It is the Township'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 Township and cause the Township and its employees to be subjected to adverse publicity leading to public distrust.

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

TOWNSHIP COMMUNICATIONS ON RELIGIOUS AND POLITICAL MATTERS

In accordance with the New Jersey Worker Freedom from Employer Intimidation Act, the Township does not require any of its employees to attend any Township-sponsored meeting or participate in any communications with the Township or its representatives, whose purpose is to communicate the Township's opinion about religious or political matters. Political matters include political party affiliation and decisions to join or not join or participate in any political, social or community organization or activity. This definition of political matters includes obvious political activities, such as contributing to a political fund or attending a political speech by a candidate. It also includes fund raising and community events, such as the March of Dimes and walk-a-thons. Naturally, employees may voluntarily make fund raising contributions and attend political or community events of their choice, and the Township encourages such employee involvement.

Township employees are prohibited from requiring, either expressly or implicitly, that a Township employee attend meetings on religious, political, social or community matters. The Township further prohibits employees from sending communications, such as e-mails and/or flyers, to co-workers asking for them to participate in such activities or fund raising, without including language in that communication that expressly notifies the employees that they may refuse to participate and/or contribute without penalty.

Employees should report violations or suspected violations of this policy to the Municipal Clerk. The Township will not discharge, discipline or any in any way penalize an employee who makes a good faith report, verbally or in writing, of a violation or suspected violation of this policy.

ETHICS GUIDELINES

In our representative form of government, it is essential that employees and officials uphold the respect and confidence of the people. Employees and officials should, therefore, avoid conduct which violates the public trust or which creates a justifiable impression among the public that the trust is being violated.

All employees and officials must conduct themselves in accordance with N.J.S.A. 40A:9-22.1, the "Local Government Ethics Law."

The following list of activities, while not all-inclusive, is offered as examples of those activities which may compromise an employee or official's ability to act in an ethical manner.

- Accepting any gifts or entertainment from any company, business, individual or agency that has had or is likely to have any professional or official transactions with the Township.

- Borrowing money from individuals or firms, except recognized lending institutions, with which the Township does business.

- Conducting Township business with a firm in which the employee or official or an immediate family member of the employee or official has a substantial interest. Immediate family members include spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

- Engaging in practices or procedures which violate any laws or regulations to which the Township is subject.

- Holding a substantial interest in a firm or managing a firm with which the Township regularly conducts business.

- Misusing, or revealing confidential information to unauthorized parties.

- Participating in civic or professional organizational activities in a way which results in the disclosure of confidential information.

- Simultaneous employment with a firm which is a Township supplier.

- Speculating or dealing in materials, equipment, supplies or services purchased by the Township.

All employees/officials are responsible for implementing this policy by reporting circumstances which appear to violate legal, regulatory or ethical requirements.

Conflict of Interest

Employees and officials have an obligation to conduct Township business within guidelines that prohibit actual or potential conflicts of general interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

An actual or potential conflict of interest occurs when an employee or official is in a position to influence a decision that may result in personal gain for that employee or official or for a relative of the employee or official as a result of the Township business dealings. For the purpose of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee or official is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee or official has any influence on transaction involving purchases, contracts, or leases, it is imperative that he or she disclose to the board, committee, commission, agency, or other body, or to his or her Department Head, as applicable, as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or official or relative of an employee or official has a significant ownership in a firm with which the Township does business but also when an employee or official or relative of an employee or official receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Township.

Confidential Information

The data of the Township is the property of the Township and should never be given to an outside firm or individual except through normal channels with appropriate authorization and as required by law. Any improper disclosure of information, even though it is not apparent that an employee or official has personally gained by such action, constitutes unacceptable conduct. Any employee who participates in such a practice will be subject to disciplinary action, up to and including termination of employment. All employees/officials need to be aware of the importance of conducting themselves in an ethical manner. As such, employees/ officials shall not take part in or attempt to influence in any way any activity in which their own best interests may conflict with the best interests of the Township. Note that this policy applies to data or information that is not subject to disclosure pursuant to the Open Public Records Act.

Financial Disclosure

As required by N.J.S.A. 40A: 9-22.6, all elected officials of the Township must annually file a financial disclosure statement on the form prescribed by the Local Finance Board, revealing the information specified by law. The original financial disclosure statement must be filed with the Municipal Clerk by April 30 of each calendar year. All financial disclosure statements are public information.

Procedure for Reporting a Violation

Employees/officials who believe an ethical violation or a conflict of interest or other wrongdoing has occurred must report the violation to the appropriate Department Head. The Department Head will forward the report to the Municipal Clerk.

If it is not practical for an employee to report the alleged violation to his or her Department Head, or if an employee is not satisfied with the Department Head's response, the employee shall file a written report with the Municipal Clerk and the Committee Chairman.

The Municipal Clerk or his or her designee, upon receipt of any report of suspected violations, will initiate an investigation.

All records, including employee identity, shall be kept confidential, except as necessary during an investigation. The accused shall have a fair opportunity to respond to allegations. No retaliation may be taken against an employee who in good faith reports suspected violations even if a subsequent investigation reveals no wrongdoing.

Pay to Play Legislation

As required by the "pay to play" legislation, the Township will, among other things, require business entities to disclose political contributions and impose measures limiting the awarding of public contracts from the Township to business entities that have made a political contribution.

Employees or officials who are found to be in violation of any provisions of Lower Alloways Creek Township's Ethic Guidelines may be subject to censure, fine, suspension or termination in addition to other penalties as specified by State or local laws.

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The Township 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 Township 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 Township 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 Township'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 Township offers the following range of resources available through the Chief Financial Officer:

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 Township encourages employees who need these resources to contact the Chief Financial Officer.

APPLICATION AND APPOINTMENTS

Qualifications

Employment by the Township shall be made based upon experience, merit and ability.

Advertisement of Vacant Positions

All position vacancies, except those that may be filled from within the Township service, may be advertised in at least one newspaper, the Township Newsletter or appropriate professional journal. The advertisement shall contain a statement that the Township of Lower Alloways Creek does not discriminate in employment or in the provision of services on the basis of race, religion, sex, national origin, sexual or affectional orientation, age, veteran status, disability status, marital status or any other status protected by law. Notice of vacancies may also be posted on a bulletin board, reserved for notices of general information, located in the Municipal Building.

Applications

Each person applying for a position with the Township, including applicants for part-time, seasonal, and temporary positions, must obtain an employment application from the Municipal Clerk. Applicants must complete the application and return it to the Municipal Clerk before the application deadline. Unsigned and incomplete applications will not be considered. Applicants who require special accommodation will be provided reasonable assistance in completing the application. The application shall include employment history, educational background, qualifications and references. Willful misrepresentations, omissions, or falsifications on the employment application will result in the disqualification of the applicant or the dismissal of the employee.

Employability Proof

After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.

Interviews and Testing

The Municipal Clerk or his or her designee shall schedule interviews with the most qualified applicants. Interviews shall be conducted by the Township Committee, the appropriate Department Head and/or others designated by the Township Committee.

Where appropriate, applicants may be required to submit to testing which may include, but is not limited to

- performance/skill testing;
- written examination;

- oral examination.

Such testing shall be designed so that qualified candidates may be identified and so as not to discriminate on the basis of legally protected status.

Background/Reference Checks

The Municipal Clerk or his or her designee shall conduct a background check of previous employment, references, driving record and criminal history. The Police Department may assist in the background check of applicants being considered for a Township position.

Examination

Following the selection of an applicant to fill a vacant position, and the extending of an offer of employment by the Township, the Township may require the applicant to undergo a medical examination and/or a psychological examination at the Township's expense. Passing the medical examination and/or psychological examination, if required, constitutes a condition of employment. The Township will require a medical examination and/or psychological examination when all entering employees for the title to whom an offer of employment is made are subjected to such examinations. Applicants will also be required to undergo a drug test. The physician/mental health professional's report(s) shall be retained in the employee's confidential personnel medical file.

Appointment and Hiring

The Township Committee hires for all positions in the Township. The Municipal Clerk shall inform the successful candidate in writing of the appointment, the starting date, salary, benefits, etc.

Seasonal, and Temporary Positions

The Township Committee will fill seasonal and temporary positions. Such appointments shall have a maximum duration of one (1) year. Persons appointed to such positions shall be notified in writing of their term of employment. Such an appointment shall not be construed to confer tenure of office upon any employee and may be terminated at any time without cause. Seasonal and temporary positions are not eligible for fringe benefits.

Orientation

On or before the starting date, each employee will be given an orientation. The new employee shall complete the necessary forms for withholding, insurance, pensions, etc. Each employee will be given a copy of this Personnel Policies and Procedures Manual and will be asked to sign an Acknowledgment of Receipt Form that the Township will retain in the employee's personnel file.

NEPOTISM

The hiring, promoting, transferring, demoting or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship.

A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.

2. The relative would be responsible for auditing the work of the other.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Township's interest and their own.

Moreover, the Township retains the discretion to designate the situation in which two relatives work in the same Department within the Township as a prohibited relationship.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Township will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified.

Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

Application

This policy applies to all employees hired, promoted, transferred, demoted, or reassigned on or after the date of adoption of this policy and to all prohibited relationships created on or after the date of adoption.

Required Disclosure

Prior to employment or appointment all persons shall disclose, in writing, the names of relatives who work for the Township or who are elected or appointed Township officials on the Applicant Relative Disclosure form. The Applicant Relative Disclosure form shall be maintained in the individual's application folder or personnel folder.

When two Township employees marry or a marriage otherwise potentially creates a prohibited relationship, employees must disclose the marriage to the Department Head and the Chief Financial Officer as soon as practicable, but in no event later than thirty calendar days before the marriage.

An individual's failure to disclose may result in rejection of the employment application or the termination of employment.

Employee Dating Policy:

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

To try to achieve a balance between employee rights and workplace needs, the Township has adopted the following policy on the subject of supervisor/subordinate dating.
If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

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

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.
In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

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

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

Open Public Meetings Act Procedure concerning Personnel Matters:

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

APPLICANT RELATIVE DISCLOSURE FORM

Name of Applicant: _____

The Township of Lower Alloways Creek prohibits the hiring of relatives if the employment of such an individual would result in the creation of a prohibited employment relationship. A prohibited relationship is created when:

1. One relative would have the authority to directly supervise, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.

2. The relative would be responsible for auditing the work of the other.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Township's interest and their own.

Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and cousins.

Do any of your relatives currently work for the Township or are any of your relatives an elected or appointed Township official?

❑ Yes ❑ No

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

<u>Relative #1</u>

Name: _____

Title: _____

Relationship: _____

<u>Relative #2</u>

Name: _____

Title: _____

Relationship: _____

Relative #3

Name: _____

Title: _____

Relationship: _____

Relative #4

Name: _____

Title: _____

Relationship: _____

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

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

_____ _____

Signature of Applicant Date

IMMIGRATION

The Immigration Reform and Control Act requires all individuals who accept employment after November 6, 1986, to provide official documented proof of their identity and eligibility to work in the United States.

In accordance with the Immigration Reform and Control Act, all individuals hired by the Township are required to provide the necessary documentation to verify their identity and employment eligibility. This requirement applies to all employees, including citizens and nationals of the United States, who are automatically eligible for employment. The following procedure applies:

New Employee Reports to Work:

(1) The Municipal Clerk or his or her designee informs the new employee of the requirements of the Immigration Reform and Control Act upon acceptance of the position. The Township may require applicants to provide documentation of eligibility to work in the United States at any time after an offer of employment has been extended and accepted up to and including the first day of employment. Law enforcement candidates will be required to produce documentation of citizenship as part of the background check.

(2) The new employee provides the required documents the first day of employment.

(3) The employee completes Part I (Employee Information and Verification) of the Employment Eligibility Verification (Form I-9).

(4) The Municipal Clerk or his or her designee reviews the documents to confirm the employee's acceptability and completes Part II (Employer Review and Verification) of the Employment Eligibility Verification (Form I-9).

New Employee Does Not Produce Documents:

(1) If a new employee does not provide the documents on the first day of employment, the Township will delay the employee's start date for up to three working days starting with the first day employment should have begun. If the employee does not produce the documents or a receipt for replacement documents, in the case of lost, stolen or destroyed documents, within three business days of the date employment should have begun, the Township will withdraw the offer of employment for failure to comply with legal requirements.

(2) If the new hire produces a receipt for replacement documents, he or she must produce the actual documents within ninety (90) days of the date employment begins. If the employee does not produce the actual document within ninety (90) days of the date employment begins, the Township will terminate the employee for failure to comply with legal requirements.

PROBATIONARY PERIOD

Length of Probationary Period

To allow the Township to determine whether a newly hired employee meets the requirements necessary to adequately perform the duties of the position for which he or she was hired, each new employee, except sworn law enforcement employees, will serve an Probationary period of eight (8) months.

All sworn law enforcement employees shall serve a Probationary period of one (1) year from the date of their appointment.

Performance Evaluations During Probationary Period

Ten (10) business days prior to the completion of the 4th month and the 8th month, the employee's Department Head shall prepare a written performance report and recommend the retention or dismissal of the Probationary employee.

Conclusion of the Probationary Period

If the Township Committee concludes that the employee successfully completed his or her Probationary period, the employee will be deemed a regular employee and will be granted all rights and privileges pertaining to his or her employment or position. If, however, at the conclusion of the Probationary period, the Township Committee determines that the employee did not successfully complete the Probationary period, the Township will dismiss the employee. Nothing contained in this Personnel Policies and Procedures Manual shall be construed to prohibit the suspension or dismissal of an Probationary employee at any time. The Township shall have no obligation to re-employ an employee dismissed during the Probationary period; and the provisions on layoffs will not apply.

Probationary Period for Promoted Employees

Employees promoted to new positions will also serve an eight (8) month Probationary period as described above. During the Probationary period, the employee shall not forfeit any right or benefit enjoyed in his/her prior position. If the employee is not awarded the new position after completing the Probationary period, the Township shall have no obligation to restore the employee to his/her previous or other position. Restoration rights for employees with Individual agreements and unionized employees will be governed by the applicable collective bargaining agreement.

At-Will Employment Status Unaffected by Completion of Probationary Period

Except as otherwise provided by a collective bargaining agreement or applicable law, the existence of a Probationary period or the completion of the Probationary period does not alter an employee's at-will employment relationship with the Township.

Eligibility for Benefits during Probationary Period

Probationary employees are not eligible for benefits until the Probationary period is satisfactorily completed, with the exception of Worker's Compensation insurance and health insurance in accordance with the health care plan in effect. Probationary employees will accrue sick and vacation days as specified in this document, but will not be allowed to use them until they have satisfactorily completed the Probationary period.

PROBATIONARY PERIOD PERFORMANCE REPORT

To:_____ Employee ID #:_____
(Employee)

Department:_____

Location:_____

Probationary Period Performance Report for the period from

_____ to _____ for job performance
(date) (date)

in the position of _____.

Evaluate the quality of work produced by the employee:

_____
_____
_____
_____

Evaluate the quantity of work produced by the employee:

_____
_____
_____
_____

Evaluate the employee's overall performance:

Satisfactory: _____

Unsatisfactory: _____

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

_____
_____
_____
_____
_____
_____
_____
_____

Areas/goals for improvement:

_____
_____
_____
_____
_____
_____
_____
_____

Retention of Employee Recommended
Dismissal of Employee Recommended

_____	_____
(Signature of Preparer)	(Signature of Employee)
_____	_____
(Date Prepared)	(Date Received by Employee)

Except as otherwise provided by a collective bargaining agreement or applicable law, the existence of a Probationary period or the completion of the Probationary period does not alter an employee's at-will employment relationship with the Township.

PAY PLAN

Rate of Pay

At the time of hiring or upon transfer to another position, an employee shall be advised of his/her rate of pay and of the salary range to which his/her position is assigned. When an employee attains the maximum rate of pay in the salary range for his/her position, he/she shall receive no further salary increases unless:

(1) The position is re-classified;
(2) The employee is promoted to a position having a higher salary range;
(3) The salary range for the position is increased;

Increases

Salary increases in the form of economic adjustments may be granted to employees generally effective January 1. These increases generally apply to all positions in a class.

Effect of Demotion on Salary

When an employee is transferred to a classification or position having a lower salary range, the Township Committee shall fix the employee's salary at whatever level it determines is appropriate under the circumstances.

EMPLOYMENT CATEGORIES

Regular Full-time Employees

Regular full-time employees are those who are regularly scheduled to work forty (40) or more hours per week. Generally, regular full-time employees are eligible for the Township benefits package, subject to the terms, conditions, and limitation of each benefit package.

Regular Part-time Employees

Regular part-time employees are those who are regularly scheduled to work less than the full-time work schedule. Regular part-time employees include regular part-time appointed and elected officials. Regular part-time employees are eligible for benefits only as specified in this Manual.

Seasonal and Temporary Employees

Seasonal and temporary employees are those who are hired for a temporary position for a period generally not longer than one year. Seasonal and temporary employees are not entitled to benefits.

COMPENSATION AND PAY PERIODS

Pay Period

The Township shall pay all employees on a bi-weekly payroll schedule; that is once in every two weeks. If pay day falls on a holiday, payment shall be made on the preceding business day.

The pay period consists of two (2) work weeks, and runs from 12:01 a.m. Saturday to the second following Friday at 12:00 midnight unless otherwise determined by a contract or agreement with a union or bargaining unit. Payday will occur on the Friday following the Friday cutoff.

Payroll Deductions

Mandatory deductions from paychecks may include the following:

- Federal Income Tax
- State Income Tax
- Social Security (FICA)
- Unemployment Compensation Insurance
- Pension Deductions
- Pension Loan Repayments (if applicable)
- Pension Back Payments (if applicable)
- Court-ordered Wage Garnishments (if applicable)
- Union Dues/Representation Fees

Employee-authorized deductions shall include:

- PERS Contributory Insurance (mandatory for the first year of enrollment in the Pension system)
- Credit Union
- Miscellaneous Insurance Plans (i.e., health, dental, disability)

TIME SHEETS

Accurately recording time worked is the responsibility of every employee. Federal and State law requires the Township to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Falsifying or tampering with any employees' time records, including the employee's own time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Nonexempt employees should Clock In to work no more than seven minutes prior to their scheduled starting time nor stay more than seven minutes after their scheduled stop time without expressed, prior written authorization from their Department Head.

Time sheets shall be turned in to the Personnel and Finance Department at the close of business on the Friday on which the bi-weekly pay period ends, except in instances where it is likely or expected that overtime work will occur between the end of business Friday and the end of the pay period at 11:59 p.m. that same day. Due to the recording complexities of the Police and Public Works Departments, time-sheets for these departments will not be due until, but no later than, 10:00 a.m. on Monday following the end of the payroll period on Friday.

Prior to submission, time sheets shall be certified as correct by Department Heads. Time sheets submitted to the Personnel and Finance Department without proper signatures and certifications will be returned for corrections.

Departments expecting overtime for Friday should submit sheets no later than 10:00 a.m. on Monday.

OVERTIME

Overtime by non-exempt employees shall be kept to a minimum and, except in cases of emergency, shall be authorized in advance in writing by the Department Head using the Overtime Approval Form. Department Heads shall rotate overtime assignments on an equitable basis among those qualified to perform the necessary work. Should budget constraints make extremely tight control essential, the Chief Financial Officer will so notify Department Heads who shall act accordingly. Overtime may be authorized by the Department Head or his or her designee or the Chief Financial Officer or his or her designee.

Overtime Rate

Nonexempt employees are eligible for overtime compensation equal to one and one-half times the employees' regular rate of pay or in accordance with contract provisions for employees that belong to recognized bargaining units.

Unless otherwise provided by collective bargaining agreement, overtime compensation, for work authorized by the Department Head or his or her designee or the Chief Financial Officer or his or her designee shall be paid for all time worked in excess of forty hours in one work week. Unless otherwise provided by collective bargaining agreement, employees who regularly work a thirty-five hour week shall receive straight time for all hours worked over thirty-five but under forty in a work week. Paid time off, including sick leave, holidays, vacation days and personal days, will be counted toward the number of hours worked for the purpose of computing overtime. Unpaid time off will not be counted toward the number of hours worked for the purpose of computing overtime.

There shall be no pyramiding of daily and weekly overtime rates.

Submitting for Overtime

Overtime shall be reported on the regular time sheet. Supporting reasons for all overtime shall be noted on the time report and certified by the Department Head or designee or Chief Financial Officer or designee. Employees working overtime without the prior written approval of their Department Head or his or her designee or the Chief Financial Officer or his or her designee may be subject to disciplinary action.

Calculating Overtime

In computing overtime compensation, the nearest one quarter hour shall be the smallest fraction of an hour counted.

Overtime Scheduling

In recognition of Township's responsibility to its taxpayers, overtime may be required. Employees must recognize their obligation to work beyond the required work week. All employees should expect to perform a reasonable amount of overtime and employees must work overtime if their Department Head or his or her designee directs them to do so. The Township recognizes that it may be inconvenient on occasion for an employee to work overtime and it will give due consideration to each request for relief from assigned overtime. Opportunity to work overtime will be rotated with the goal of equalizing overtime among employees who are qualified to perform overtime assignments. It is recognized that the equalization of overtime opportunities can only be achieved over the long run.

Exempt Employees

Department Heads and all other exempt employees shall not receive compensation for overtime.

Compensatory Time Off

Nonexempt employees have the option of taking overtime compensation as compensatory time. Compensatory time, like overtime, accrues at the rate of one-half times the hours worked or in accordance with contract provisions for employees that belong to recognized bargaining units. Employees may accrue up to 240 hours (160 hours at time and one-half) of compensatory time. Employees who elect to receive compensatory time instead of overtime compensation must indicate their preference on their time sheets before the work is performed. Compensatory time off shall be taken as each employee chooses, subject to normal scheduling requirements, provided it is used within six months of having earned it. The Township reserves its right to deny the request if the use of compensatory time will unduly disrupt the operations of the Township.

The Township reserves its right to require employees to use accrued compensatory time. The Township also reserves its right to pay employees at the regular rate earned by the employee at the time the employee receives payment for their accrued but unused compensatory time at any time.

Upon termination of employment, the Township will compensate an employee for accrued but unused compensatory time at a rate of compensation not less than (1) the average regular rate received by the employee during the last three years of the employee's employment, or (2) the final regular rate received by the employee, whichever is higher.

Unionized Employees and employees with Individual agreements

Overtime and compensatory time for employees with Individual agreements and employees with Individual agreements and unionized employees will be provided in accordance with the provisions of the applicable collective bargaining agreement.

HOURS OF WORK

The Township shall have the right, for the efficient operation of its facilities, to make changes in starting and stopping time of the daily work schedule, and to vary the daily or weekly work schedule.

The regular hours of work for Township employees will be 40 hours, unless otherwise specified at the time of employment or by the Township Committee.

Lunch Break

Unless otherwise provided by collective bargaining agreement, a one-half hour per day for lunch shall be allowed each employee. The lunch schedule shall be set by the Department Head to assure maximum possible coverage of department business. Employees should not eat lunch at their desk or work stations. Employees must clock out for lunch and not eat meals at their desks in view of the public.

Emergency Conditions

Employees who are not otherwise excused from work but are prevented from getting to the job because of emergency conditions shall be permitted to use personal leave, vacation, or compensatory time off, unless the Township offers transportation to and from the job.

ATTENDANCE AND TARDINESS

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the Township may meet its commitments to its residents. Employee absences place an additional burden on the remaining work force and seriously affect the Township'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 Township however, will not tolerate unexcused absence or tardiness.

Unsatisfactory attendance includes abuse of sick leave, absence that precede/follow regularly scheduled days off or holidays, and continued tardiness in reporting for work or returning from lunch. All unauthorized and unreported absences shall be considered absence without leave. At the Department Head's discretion a deduction of pay shall be made. Absence without leave shall be grounds for immediate dismissal from the Township.

All employees are expected to come to work regularly and on time and to promptly notify their Department Head when they are unable to do so. Unless prevented by specific circumstances or otherwise provided by collective bargaining agreement, employees must notify their Department Head or his or her designee or the Municipal Clerk or his or her designee of an unanticipated absence or tardiness as soon as possible but not later than the commencement of the employee's scheduled work day. While a voice mail message is acceptable, employees must leave a telephone number where they can be reached. Employees who recognize that they will be late in returning from lunch must telephone their Department Head or his or her designee to report the reason for lateness and the expected arrival time.

Any employee who is absent from duty for two or more consecutive working days without the approval of his or her Department Head or the Municipal Clerk shall be considered to have abandoned his or her position.

Attendance and punctuality will be considered, among other factors, in the employee's performance review. The employee's Department Head shall report recurring or chronic tardiness to the Township Committee Chair or his or her designee. The Township Committee Chair or his or her designee will record the employee's absences and/or tardiness in the employee's personnel file. Employees who exhibit attendance and/or tardiness problems will be subject to progressive disciplinary procedures.

HOLIDAYS

Designated Holidays

Full-time employees actively on the payroll at the time of a holiday receive a day of pay at straight time without having to perform work. The following shall be observed as paid holidays:

1. New Year's Day
2. Good Friday
3. Memorial Day
4. Independence Day
5. Labor Day
6. Columbus Day
7. Veteran's Day
8. Thanksgiving Day
9. The Day after Thanksgiving Day
10. Christmas Day

If a paid holiday falls on a Sunday, the holiday will be observed on the following Monday. When a paid holiday falls on a Saturday, the holiday will be observed on the preceding Friday.

Compensation for Employees Who Work on a Holiday

An employee eligible for holiday pay who is required to work on a paid holiday shall be compensated by receiving one and one-half (1 1/2) times the employee's regular rate for all hours actually worked in addition to receiving his/her regular pay for the holiday.

Holidays During Vacation or Sick Leave

In the event a paid holiday is observed while an employee is on vacation, the holiday will not be charged as a vacation day. Similarly, if a paid holiday occurs while an employee is on sick leave, the holiday will not be charged against his/her sick leave.

To qualify for holiday pay, employees must work their scheduled workday immediately preceding and immediately following the holiday unless on an excused absence. Employees who take sick leave on the workday immediately preceding or immediately following a holiday must provide a doctor's note verifying the need for sick leave.

Eligibility for Holiday Pay

Full time employees who regularly work thirty-five (35) or more hours per week are eligible for paid holidays.

Seasonal and temporary employees are not eligible for holiday pay.

An employee who is on an unpaid leave of absence shall not be eligible for paid holidays which fall during the employee's leave of absence.

Religious Holidays

Employees who wish to observe religious holidays not designated as a holiday by the Township may do so without loss of pay by using available personal or vacation days, but only to the extent that the employee has not already used up his or her available personal or vacation days.

Unionized Employees and employees with Individual agreements

All employees with Individual agreements and unionized employees shall receive holiday benefits as provided in their applicable collective bargaining agreement.

PERSONAL LEAVE

A full-time regular employee shall be granted six (6) paid personal leave days each calendar year for the transaction of personal business. Part-time employees are eligible for a prorated amount of personal leave days based on the number of hours they are regularly scheduled to work. Temporary and seasonal employees are not eligible for personal leave benefits. Personal days may be taken in full or half day increments. Personal leave benefits for the first and final year shall be pro-rated to the first day/final day of employment, respectively.

Notification

All employees should inform their Department Head as far in advance as possible when they intend to take a personal day. Except in cases of emergency, notice of intention to take personal days shall be given in writing to the employee's Department Head at least seventy-two (72) hours in advance of its use. Additionally, the use of personal leave is subject to the Department Head's approval.

Recognizing that emergencies arise which do not allow for advance notification, an employee may request a personal day by notifying the Department Head of the nature of the emergency.

Accrual of Personal Leave

Personal leave not used during a calendar year is lost. Personal days cannot be accumulated from year to year.

Payment for Personal Leave Upon Separation of Employment

Employees are not paid for unused personal leave when they separate from Township service.

Unionized Employees and employees with Individual agreements

Employees with Individual agreements and unionized employees shall receive personal leave benefits in accordance with their respective collective bargaining agreements.

VACATIONS

Vacation Entitlement

Full-time employees who have the length of continuous employment specified in the following schedule determined on an annual basis from the commencement of the employment shall be entitled to the working time shown as vacation with pay at his or her regular rate of pay as follows:

After the completion of four continuous months of service	1 working day per month not to exceed 10 working days
After the completion of two continuous years of service	10 working days
After the completion of five continuous years of service	15 working days
After the completion of ten continuous years of service	20 working days
After the completion of fifteen continuous years of service	25 working days

Part-time employees are entitled to pro-rated vacation benefits, depending upon the number of hours regularly worked per week. Seasonal and temporary employees shall not be entitled to vacation leave. Although seasonal and temporary employees are not eligible for paid vacation days, they may take unpaid vacation with the approval of the Department Head.

Employees may take vacation leave in half day or full day increments. Vacation time in excess of two consecutive weeks must be approved by the Township Committee.

Employees who take sick leave on the workday immediately preceding or immediately following a vacation day must provide a doctor's note verifying the need for sick leave.

The Township encourages each employee to take advantage of the authorized vacation periods for health, rest, relaxation and pleasure and, thus, extra compensation in lieu of vacation will not be allowed unless written prior authorization is obtained from the Department Head and Township Committee.

Accrual of Vacation Time

Employees must take the annual vacation allotted to each employee during the year in which it is earned. A maximum of up to seven vacation days, however, may be carried over to the next succeeding anniversary year only if such additional leave was not taken because of business necessity. Carryover requires the written permission of the Department Head and the Township Committee. Any vacation days carried to the succeeding anniversary year must be used during that anniversary year or the employee will lose that vacation leave.

Part-time employees are not eligible to accumulate vacation time from year to year. Part-time employees forfeit accrued but unused vacation time at the end of the anniversary year.

Accrual of Vacation Time While on Leave

Vacation leave credits shall continue to accrue while an employee is on leave with pay. Credits shall not accrue while an employee in on leave without pay.

Vacation Scheduling

Subject to the approval of the Department Head, vacations shall be scheduled by Department Heads in such manner as to insure adequate levels of personnel to operate such departments efficiently especially during busier times of the year. The Township Committee shall approve vacation time for Department Heads. Department Heads must file the vacation schedule with the Municipal Clerk and notify the Municipal Clerk of any changes to the vacation schedule.

The Township shall provide a window period from January 1, through February 15, during which employees may, but will not be required to submit written requests for vacation leave during the balance of the year. If, at the end of the window period, there is a conflict regarding the choice of available vacation days, employees who have submitted their written requests during the window period will be given preference according to seniority; provided, however, that in the case of a tie in seniority, preference will be given to those requests which were submitted first. In case of a scheduling conflict which arises outside the window period, preference will be given to those requests which are submitted first; provided, however, that if two or more requests are submitted simultaneously, seniority will prevail.

Prior to scheduling vacation, Department Heads must check with the Chief Financial Officer or his or her designee to ensure that the employee has the requested amount of accrued but unused vacation time.

Efforts will be made to schedule vacation leave in accordance with the employee's wishes and consistent with the maintenance of efficiency. The Township, however, may require an employee to reschedule his or her vacation in cases of business necessity.

Payment for Accrued Vacation Time Upon Separation of Employment

The Township will compensate employees for accrued but unused vacation time upon separation of employment, except if terminated for cause or if the employee resigned not in good standing, for all accrued but unused vacation leave. In the case of the employee's death, payment shall be made to the employee's estate. Vacation benefits for the final year shall be pro-rated to the final day of employment. Employees shall not otherwise be paid for unused vacation days.

Unionized Employees and employees with Individual agreements

Employees with Individual agreements and unionized employees shall receive vacation benefits in accordance with their respective collective bargaining agreements.

Bonus Pay non union employees

Any full time employee in good standing who is not represented by a union or bargaining unit is entitled to bonus pay in the amount of $1000.00 each year, which shall be paid after approval by the Township Committee with the last payroll of the calendar year. This provision shall not apply to persons who have been employed as full-time employees for only a part of a calendar year.

SICK LEAVE

Definition of Sick Leave

A full-time Township 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, if a physician quarantines an employee because of exposure to a contagious disease or because of the need to care for a member of the immediate family who is seriously ill. Paid sick leave cannot be used for other purposes. Accordingly, it cannot be used as a substitute for, or as an extension of, paid vacation or personal leave.

Sick leave may not be used for personal business.

Sick Leave Benefits

All full-time employees are entitled to sick leave with pay which shall accrue at the rate of one day per month of employment during the first calendar year of employment up to a maximum of ten (10) working days and ten (10) working days in each calendar year thereafter.

During the calendar year in which an eligible employee is hired, one sick day will be credited at the end of each month of completed service, up to a maximum of ten (10) working days. An employee who begins working on or before the fifteenth of the month shall receive sick day credit for that month. In the year following the calendar year in which the employee was hired, and in each year thereafter, eligible employees earn twelve (10) days of paid sick leave on January 1 of each year in anticipation of continued employment.

For full-time employees (i.e., those scheduled to work forty (40) hours or more per week on a regular basis), a “sick day” equals one work day.

For part-time employees (i.e., those scheduled to work at least twenty (20) but less than forty (40) hours per week on a regular basis), a “sick day” is equal to the regularly scheduled hours of work for the day. For example, a part-time regular employee who is ill on a day when he or she was scheduled to work four hours will be paid for four hours, another employee scheduled to work five hours who is ill will be paid for five hours. Part-time employees who regularly work less than twenty (20) hours a week are not entitled to paid sick leave.

Sick time accrues while an employee is on any paid leave. Sick time does not accrue during an unpaid leave of absence.

Seasonal and temporary employees are not eligible for sick leave.

Employees in their Probationary period shall not be entitled to sick leave until they have successfully completed the Probationary period. At that time, sick leave benefits shall be provided retroactively to the date of the initial employment.

Notification

Unless otherwise provided by collective bargaining agreement, if an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her Department Head or his or her designee promptly, but not later than the employee's usual reporting time. If unable to contact his or her Department Head or his or her designee, he or she shall notify the Municipal Clerk.

An employee on sick leave must remain at home. If an employee must leave his or her home during the absence, he or she must leave a telephone number where he or she can be reached.

The failure to provide notice of intention to take sick leave or an unauthorized absence from home may result in a forfeiture of sick leave credit and may constitute cause for disciplinary action up to and including termination.

Verification of Sick Leave

A certificate from a physician designated by the Township or the employee's own physician may be required at any time as proof of the need for sick leave. Additionally, the Township may require that any employee absent on sick leave be examined by a physician designated by the Township. The Township may also require an employee to obtain a certificate from a physician designated by the Township before returning to work.

Acceptable medical evidence will consist of a note from the physician or other health care provider stating that the employee is or was unable to work due to a health condition or because of the need to care for a member of the immediate family who was seriously ill. The note will briefly identify the condition, the relevant medical facts and will indicate the actual or projected date that the employee is able to return to work.

In any event, an employee absent on sick leave for three or more consecutive working days shall be required to submit a certificate from the employee’s physician with the Department Head or Municipal Clerk before being allowed to return to work. The failure to produce medical verification will result in the denial of sick leave unless good cause is shown. Abuse of sick leave shall be cause for disciplinary action up to and including termination of employment.

Sick leave due to exposure to a contagious disease requires that the employee submit a certificate from the municipal Department of Health.

The Township requires any employee who requires additional leave after he or she has used all of his or her accrued sick days to provide a written statement from an attending physician before returning to duty.

The Department Head or Township Committee Chair may require an employee who is actively at work to be examined by a physician designed by the Township whenever circumstances present a legitimate question regarding the employee's fitness for duty.

In cases of extended illness, disability, or a pattern of absences, the employee shall furnish such reports or medical certificates of his or her condition as may be required by the Department Head or Township Committee Chair. Moreover, in all cases of reported illness or disability suffered by an employee, the Township reserves the right for a medical physician to examine the report on the condition of the employee and report to the Department Head.

During protracted periods of illness or disability of an employee, the Department Head or the Township Committee Chair may require interim reports on the condition of the employee at weekly or bi-weekly periods from the attending physician and/or Township medical physician. When under medical care, employees are expected to conform to the instruction of the attending physician if they wish to qualify for salary payment during such period of illness or disability. Additionally, the Department Head or Township Committee Chair may require that the employee bring a note from his or her physician indicating that the employee is capable of returning to work. The Department Head or Township Committee Chair may also require that the employee be examined by the Township physician prior to returning to work, to determine the employee's fitness to perform the requirements of his or her position and/or to ensure that the employee's return will not jeopardize the health of the employee or other employees.

No employee will be allowed to work and endanger the health and well-being of other employees. If the employee's condition warrants, the employee may be directed to take sick leave. The Department Head or Township Committee Chair may direct the employee to the Township medical physician for an opinion as to the eligibility of the employee to be absent from work.

Abuse of Sick Leave

Abuse of sick leave or failure to provide a doctor's note shall be cause for disciplinary action up to and including termination of employment.

Examples of patterns suggesting abuse include, but are not limited to, the following:

(1) Repetitive use of one sick day per month.
(2) Repetitive use of sick days on particular days--for example Mondays or Fridays.

(3) Repetitive use of sick days during weeks when overtime is earned, or is expected to be earned.

Exclusions

Sick leave will not be allowed for routine medical and dental examinations (i.e., well visits). This exclusion will not apply to treatment for serious health conditions as defined by the FMLA. Sick leave with pay will not be allowed under the following conditions:

- When the employee under medical care unreasonably fails to carry out the orders of the attending physician;
- When the employee is ill or disabled because of self-imposed contributory causes;
- When the disability or illness is not of sufficient severity to justify the employee's absence form duty;
- When an employee does not report to the Township medical physician when ordered.

Increments

Sick leave may be taken in units of full or half days. If an employee who has already reported for duty is required to leave his or her duty for any reason that qualifies for sick leave prior to the completion of one-half day's work, the employee will be charged one full sick day. If the employee has completed more than one-half day's duty before being required to leave, he or she will be charged one-half day's sick leave for that day.

Accumulation of Sick Leave

Full-time employees shall be entitled to accumulate up to five unused sick days per year up to a maximum of twenty-one days. Accrued but unused sick leave that exceeds the carryover maximum will be forfeited at the end of the calendar year in which it accrued. Days used but not yet earned shall be charged to accumulated sick leave.

Part-time employees are not eligible to accumulate unused sick leave. Accrued but unused sick leave shall be forfeited at the end of the calendar year in which it accrued.

Payment for Accrued Sick Leave Upon Separation of Employment

Employees are not paid for unused sick leave when they separate from Township service.

Prescription Medication and Long-Term Medical Conditions

If an employee takes an over-the-counter medication or a prescribed drug, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform his or her job, the employee must inform the Department Head or Township Committee Chair.

Employees who perform safety-sensitive responsibilities, including police, fire, EMT and public works, must notify his or her Department Head or the Township Committee Chair of any medical condition that may have an adverse effect on his or her personal safety or job performance or the safety of a co-worker or any other person.

The Department Head or Township Committee Chair may require the employee to produce acceptable medical documentation of the employees' ability to safely and properly perform all of their job duties. Failure or refusal by an employee to properly inform the Department Head or Township Committee Chair or to produce acceptable medical documentation, upon request, may result in discipline, up to and including termination of employment. The Township disclaims liability for any personal injury or property damage that results if an employee fails to disclose that he or she takes a prescription drug or has a medical condition that has an adverse effect on his or her personal safety or job performance or the safety of a co-worker or any other person.

Personal Appointments

Medical and dental, legal or other appointments should be made so as not to interfere with an employee's work day. Emergency appointments made during the work day should be reported to the Department Head as soon as possible. Employees may use sick time only for appointments related to treatment for serious health conditions as defined by the FMLA.

Unauthorized or unreported absences may result in an employee not being paid for the time away from work, or other disciplinary action.

Disability Leave

Any full time employee with at least one year of service who is unable to work for one week or more as a result of personal illness or injury, other than an illness or injury which is determined to be compensable under the Workers Compensation Law, will be entitled to full pay while absent. Benefits under this section will begin with the first day for which the employee has no paid sick days available and shall continue for the duration of the employee's disability; provided, however, that an employee will not receive benefits for more than 26 weeks in any 12-month period.

Unionized Employees and employees with Individual agreements

Sick leave benefits for employees that are represented by unions shall be governed by the sick and terminal leave provisions incorporated in their respective contracts.

WORKERS' COMPENSATION

The Township of Lower Alloways Creek provides a comprehensive workers' compensation insurance program at no cost to the employee. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. The Township's obligation, if any, to hold an employee's position while out due to illness or injury is governed by the Family and Medical Leave Act of 1993 and is not enlarged by this policy. Accordingly, the payment of Worker's Compensation differential benefits does not bar the Township from filling the employee's position.

Notification

Employees who sustain work-related injuries or illness should inform their Department Head immediately. The Department Head will immediately notify the Chief Financial Officer. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. The failure to report the injury may result in the delay or denial of benefits.

Depending on the severity of the accident, the employee may be required file an Accident Report either at day's end, or if hospitalization is required, at the earliest possible date.

Compensation for Work-Related Illness or Injury

The Township will pay the difference between the employee's net base salary and the amount received from worker' compensation payments for up to twenty-six (26) months of work-related illness or injury that prevents the employee from working.

Return to Work

Once the injured employee is released by the authorized physician to return to work and to perform his/her regular assigned duties, all subsequent absences related to the injury prompting the leave of absence, must be evidenced by a certificate from the authorized physician. Otherwise, sick or vacation time will be charged to the employee. If accrued sick and vacation time has been expended, then the Township reserves the right to make the necessary payroll

deductions. All absences must be evidence by an authorized physician. Physician's certificates must be submitted to the Chief Financial Officer.

Seniority

An employee's prolonged absence from work because of job related injury or disability will not affect the employee's seniority for the purposes of lay-offs provided that the employee has applied for and has been granted a leave of absence as provided in this Manual. Additionally, the injured or disabled employee's anniversary date shall not be change due to absences caused by job related injury or disability.

Compensation While Awaiting Determination

If a Workers Compensation claim is contested, the employee may use other paid leave, including paid disability leave, with the understanding that any subsequent award of periodic benefit will result in the restoration of such paid leave as may have been used in the covered period.

Excluded Activities

The Township will not be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Township.

BEREAVEMENT LEAVE

Eligibility

Full-time employees are eligible for bereavement leave benefits. Part-time employees, seasonal employees and temporary employees are not eligible for paid bereavement leave. Employees who are not eligible for paid bereavement leave may take unpaid bereavement leave.

Close Relative

Upon the death of a close relative, the employee may be excused from work from the day of death until the day of the funeral, inclusive. Close relative is defined as father, mother, grandfather, grandmother, grandchild, current spouse, son daughter, brother, sister, current father-in-law, current mother-in-law, current son-in-law, and current daughter-in-law.

Other Relatives

An employee may be excused from work on the day of the funeral upon the death of an uncle, aunt, nephew, niece, current brother-in-law, current sister-in-law, and first degree cousin. Paid leave of absence will only be allowed on the day of the funeral. Exceptions to this rule may be granted by the Department Head or Township Committee Chair where the deceased is buried in another city or state and the employee would be unable to return in the time normally allowed.

Notification and Verification

Employees should notify the Department Head of their intent to take bereavement leave as soon as possible. The Township may require that the employee produce reasonable proof of death.

Compensation

During a bereavement leave, the eligible employee will be paid at his/her straight time rate of pay for time away from work.

Unionized Employees and employees with Individual agreements

All employees with Individual agreements and unionized employees shall receive bereavement benefits as provided in the applicable collective bargaining agreement.

JURY DUTY AND WITNESS DUTY

Eligibility

Full-time employees are eligible for paid jury duty leave. Part-time employees, seasonal employees and temporary employees are not eligible for paid jury duty leave. The Township will provide employees who are not eligible for paid jury leave with a temporary unpaid leave to attend jury duty.

Jury Duty Leave of Absence

When a full-time employee is called for jury duty and for the duration of such service, the employee shall be entitled to a temporary leave with pay provided that:

1. The employee notifies his or her Department Head of the jury duty immediately upon receipt of the summons;

2. The employee inquires about the anticipated length of service and informs his or her Department Head of the expected duration in advance of accepting service;

3. In the event the employee is excused from jury service on any day with three or more hours remaining on the employee's shift, he or she shall report to work;

4. The employee furnishes evidence that he or she performed the service by providing the Township with an appropriate certification or order from the assignment judge, clerk of the court or such other officer as shall be appropriate setting forth the period of such jury duty service; and

5. The employee reimburses the Township for any payments or per diem fees received as a result of such jury service less any travel expenses.

If any employee is performing shift work, he or she will be given his or her shift off before jury service provided such shift is immediately prior to service.

Witness Duty Leave of Absence

The Township is aware that employees may be subpoenaed to appear as witnesses in trials before the court. Any employee who is subpoenaed as a witness in a court case in his or her capacity as a Township employee is considered to be working during the time the employee provides testimony. For personal matters, employees will use available personal day or vacation days. Employees shall not be entitled to compensation when called as a witness in disciplinary

proceedings except when called by the Township, at which time they would be eligible to receive their regular rate of pay.

MILITARY LEAVE

The Township 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.

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 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 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.

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 90 work days in any calendar year. Any leave of absence for such duty in excess of 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.

Reinstatement

To be reinstated by the Township without loss of privileges or seniority, the employee must report for duty with the Township 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 Township with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Have five years or less of cumulative service in the uniformed services while employed by the Township;
- Have a creditable military record including completion of all required training and full-time 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.

LEAVE OF ABSENCE

Employees who are not eligible for Family Leave or who want to take a leave of absence for a reason not covered by Family Leave, or beyond the leave time provided by Family Leave, may be granted a personal leave of absence for up to (6) six months at the sole discretion of the Township Committee if the leave does not cause undue operational disruption. Leave may be extended for an additional six (6) months where circumstances warrant in the sole discretion of the Township Committee. The leave of absence must include the use of any accrued personal, vacation and, if applicable, sick leave time regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of personal, vacation and, if applicable, sick leave will be without pay.

To Request a Leave of Absence

Employees must submit their written request for an unpaid leave of absence to the Municipal Clerk, who in turn, will provide it to the Township Committee. The request must set forth a proposed start date, return date, and reasons for the request. The request must be submitted at least sixty (60) days before the proposed start date. If the request is for an extension of Family Leave, where the employee has/will take(n) the maximum amount of leave permitted under the FMLA and/or FLA, the request for continuation of the leave must be submitted thirty (30) days in advance of the expiration of the Family Leave. The Township Committee can waive these notice requirements in his or her sole discretion and without precedential effect, depending upon the circumstances for the request for the leave. The request will not be considered unless supported by the recommendation of the employee's Department Head.

When a request is granted, the Township Committee will fix a start date and return date and the Municipal Clerk will communicate these dates to the employee.

Accrual of Benefits During a Leave of Absence

An employee shall not accrue any benefits or seniority during an unpaid leave of absence. Benefits include accumulation of sick days, personal days and vacation days. In the event an employee is on unpaid leave at the beginning of the year (January) personal and vacation days will not be accumulated until the employee returns to work. At that time personal days and vacation days will be allocated for that year. Unless otherwise provided by law, the cost of health benefits shall be borne by the employee. The continuance of all other benefits shall be available only to the extent required by Federal, State and/or Local law or regulations.

Reasons for a Leave of Absence

Personal leaves of absence may be granted for medical or educational reasons, family circumstances, or other good cause. Personal leaves are not granted for the purpose of seeking or

accepting employment with another employer, or for extended vacation time. An employee who accepts another position outside of township employment while on an unpaid leave of absence shall be deemed to have resigned his or her position with the Township. Employees must use leaves of absence for the purpose it was granted. The failure to use a leave of absence for the purpose it was granted may provide grounds for disciplinary action up to and including termination of employment.

Extensions of a Leave of Absence

In the event an employee needs to extend his/her unpaid leave of absence, the employee shall submit a written request for an extension to his/her Department Head at least thirty (30) days before the original return date. The Department Head shall forward the request, with a recommendation to grant or deny the extension, to the Municipal Clerk, who in turn will forward the request to the Township Committee. Extensions shall not be granted absent exceptional circumstances.

Consequence of Failing to Return Following a Leave of Absence

An employee who leaves his/her position before the scheduled start date or fails to return on the scheduled return date, shall be deemed to have abandoned his or her position and to have resigned from the service of the Township.

Domestic Abuse Leave Act

The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act"), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense.

Employee Eligibility

To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during each of 20 or more calendar workweeks in the then-current or immediately preceding calendar year.
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, or a victim of a sexually violent offense, as that term is defined in N.J.S.A. 30:4-27.6. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense.

An employee who fails to return on the scheduled return date, shall be deemed to have abandoned his or her position and to have resigned from the service of the Township.

FAMILY AND MEDICAL LEAVE

The following provisions provide general guidance on an employee's rights and obligations under the federal Family and Medical Leave Act of 1993 (FMLA) and the New Jersey Family Leave Act ("NJFLA"). In providing this guidance, it is understood that the determination of an employee's eligibility for Family Leave and the coordination of an employee's rights and obligations under the FMLA and the NJFLA must be done on a case-by-case basis. Additional information about Family and/or Medical Leave is posted in the Municipal Building and is available from the Administrator's office.

Types of Family Leave

An employee may be eligible to take an unpaid Family Leave for one or more of the following purposes:

Child-Care: Leave for the purpose of providing care necessitated by the birth of a child or by the placement of a child for adoption or foster care. This provision is applicable to both mothers and fathers.

Self-Care: Leave necessitated by the employee's own serious health condition.

Family-Care: Leave for the purpose of providing care necessitated by the serious health condition of the employee's spouse, child, parent, or parent-in-law.

Employee Eligibility

An employee's request for Family Leave may be granted under the following circumstances:

(1) To be eligible for Family Leave, the employee must be employed by the Township for at least one year before commencement of leave and must work at least 1,000 hours (and in some instances 1,250 hours) during the twelve-month period immediately preceding the commencement of leave.

(2) The employee must request Family Leave for the purpose of Child-Care, Self-Care or Family-Care.

An absence of more than three days during which an employee receives care for a serious medical condition, illness or injury, shall count toward the employee's twelve-week entitlement to Self-Care Family Leave. In addition, any leave of absence for a reason that qualifies as a Family Leave, including worker's compensation cases, shall be counted against the employee's entitlement to Family Leave. Family Leave time will begin with and run concurrently with the illness or injury at the three day mark.

Notification Requirements

The employee must provide reasonable prior notice of the need for Family Leave, in writing, to the Department Head and to the Municipal Clerk. Except in emergencies, reasonable notice shall be no less than 30 days in the case of a leave for Child-Care, and no less than 15 days in the case of a leave for Self-Care or Family-Care.

Determining the Twelve (12) Month or Twenty-Four (24) Month Period

A maximum of twelve (12) weeks of FMLA Family Leave will be granted in a twelve-month period. The twelve-month period shall begin on the date the employee's first FMLA Family Leave commences. A maximum of twelve (12) weeks of NJFLA Family Leave will be granted in a twenty-four month period. The twenty-four month period shall begin on the date the employee's first NJFLA Family Leave commences. With the exception of Family Leave for Self-Care and Family-Care for an in-law, leave entitlement under the FMLA and NJFLA will run concurrently.

Medical Certifications

Unless waived by the Township Committee, an employee who requests a Family Leave for Self-Care or Family-Care must submit a medical certification supporting the request. Appropriate medical certification forms are available from the Personnel and Finance Department. Failure to submit a medical certification within fifteen (15) days after a request for Family Leave may result in denial of the request, loss of continued medical benefit subsidies, and loss of job protection during the employee's absence from work. Submission of an incomplete or otherwise inadequate medical certification may result in a delay in processing a request for Family Leave. In the case of a Self-Care Family Leave, the Township Committee may require the employee to submit additional medical certifications after the commencement of Family Leave. The Township may also require the employee to report periodically on his or her status and intent to return to work.

Compensation During Family Leave

Unless otherwise provided by law or these policies, an employee is required to use available accrued but unused paid leave during a Family Leave. In the case of a Self-Care Family Leave, accrued Sick Leave must be used first. In the cases of Family-Care Family Leave, sick leave will be used last. In the cases of Child-Care Family Leave, employees must use available vacation and personal leave. Employees may not use sick leave for Child-Care Family Leave. If accrued paid leave is exhausted before the conclusion of a Family Leave, the balance of the Family Leave shall be unpaid.

Health Benefits During Family Leave

The Township will pay health benefit costs for employees who are on Family Leave to the extent the Township pays them for an active employee not on leave. Therefore, if applicable, employees must continue to pay their regular payroll deduction for their benefits while on leave. If the employee is on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work.

During periods of unpaid leave, the employee must arrange with the Chief Financial Officer or his or her designee, prior to taking the leave, for payment of the employee's share of the premium. In addition, if the Township finds it necessary to pay premiums for health insurance or other benefits to preserve the employee's eligibility for such benefits pending the employee's return, the employee shall be responsible for reimbursing the Township for such premiums.

Intermittent or Reduced Schedule Leave

Intermittent or reduced schedule leave may be available, depending upon the reason for the leave. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period. Reduced leave is a schedule in which the weekly hours or hours per day are reduced.

Child-Care Family Leave must be taken continuously for a period of one (1) to twelve (12) weeks unless the Township Committee agrees otherwise, and must begin within one year of the birth or placement of the child. Reduced or intermittent leave will not be granted.

Self-Care and Family-Care Family Leave may be taken continuously, intermittently, or on a reduced schedule. The employee must make a reasonable effort to schedule an intermittent or reduced-schedule leave so as not to disrupt unduly the Township's operations. In appropriate circumstances, the Township Committee may transfer the employee to a position that better accommodates the interests of both during the Leave.

Outside Employment

An employee may not start another full-time job during a Family Leave.

Accrual of Leave Time During Family Leave

Employees will accrue paid time off (i.e., personal time, vacation time, sick time) while using accrued time toward Family Leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

Key Employees

The Township Committee will advise the employee if he or she holds the status of a 'key employee" under the FMLA or of a highly compensated employee' under the NJFLA. A key employee (i.e., a salaried employee who is among the highest paid 10 percent of employees) is entitled to leave under the FMLA; however, but may be denied reinstatement if reinstatement will cause substantial and grievous economic injury to the operations of the Township. A highly compensated employee (i.e., one who is among the 5% highest paid employees or one of the 7 highest paid employees, whichever number is greater) may be denied leave as well as reinstatement rights under the NJFLA if the employee's absence will cause such harm.

Return From Leave

Upon expiration of a Family Leave, the employee will be restored to the position he or she held when Family Leave commenced or, if that position has been filled, to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment. The Township cannot guarantee that an employee will be returned to his or her original job. The Township will determine whether a position is an "equivalent position."

If the Township experiences a reduction in force or layoff during the Family Leave which would have resulted in the employee's loss of employment had the employee not been on Family Leave, or if the employee would have been terminated for other reasons if he or she had not been on Leave, the employee shall not be entitled to reinstatement. An employee who remains on leave after the expiration of their Family Leave will not be entitled to reinstatement

Fitness for Duty Certifications

All employees returning from a Self-Care Family Leave must present a fitness-for-duty certification to the Department Head who will forward the certification to the Municipal Clerk or, in the case of Department Heads, the Department Head should provide the fitness-for-duty certification directly to the Municipal Clerk. The appropriate form is available from the Personnel and Finance Department. Failure to submit a fitness-for-duty certification will result in a delay in reinstatement and may adversely affect the employee's reinstatement rights if the employee's entitlement under the FMLA has been exhausted. The employee must obtain the fitness-for-duty certification at his or her expense.

Consequence of Failing to Return Upon Expiration of Leave

Unless the Township grants an extension, an employee who fails to return to work upon the expiration of a Family Leave will be subject to termination. Upon exhaustion of the FMLA and/or NJFLA leave, employees will immediately lose health insurance coverage. Please note that a thirty-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own expense. If an employee does not return to work following leave or who fail to remain at work for 30 calendar days after returning from a Family Leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitled the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Township for its share of health insurance premiums paid on the employee's behalf during the leave. The Township may, to the extent consistent with law, withhold such premiums from any moneys owed to the employee. Employees should direct their written request for an extension of leave to the Municipal Clerk as soon as they realize that they will not be able to return at the expiration of the leave. To the extent that the extension exceeds the employee's allotted leave under the FMLA and/or NJFLA, the Municipal Clerk will refer the extension request to the Township Committee for review.

NOTICE OF YOUR RIGHTS
under the
FAMILY & MEDICAL LEAVE ACT OF 1993
and the
NEW JERSEY FAMILY LEAVE ACT

The Family & Medical Leave Act of 1993 ("FMLA") and the New Jersey Family Leave Act ("NJFLA") require covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible for FMLA leave if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles of the worksite. Employees are eligible for NJFLA leave if they have worked for a covered employer for at least one year, and for 1,000 hours over the previous 12 months.

REASONS FOR TAKING LEAVE: Unpaid leave must be granted for any of the following reasons:

> To care for the employee's child after birth, or placement for adoption or foster care (NOTE: leave for foster care is available only under the FMLA);
>
> To care for the employee's spouse, son or daughter, parent, or parent-in-law who has a serious health condition (NOTE: leave care for a parent-in-law is available only under NJFLA); or
>
> For a serious health condition that makes the employee unable to perform the employee's job (NOTE: this type of leave is available only under the FMLA).

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

ADVANCE NOTICE AND MEDICAL CERTIFICATION: The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if the following requirements are not satisfied:

> The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable". The employee need only provide 15 days advance notice when the leave is taken to care for a family member with a serious health condition.
>
> The employer may require a medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

JOB BENEFITS AND PROTECTION:

For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan." The employer is not required to maintain such coverage when leave is taken under the NJFLA alone.

Upon return from leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

EXCEPTIONS FOR HIGHLY COMPENSATED EMPLOYEES:

The employer may deny an employee's request for NJFLA if the employee is among the 5% highest paid or is one of the seven highest paid employees of the employer, whichever is greater, provided granting such leave will cause substantial and grievous economic injury to the employer's operations.

The employer may not deny an employee's request for FMLA leave; however, if the employee is a salaried employee and receives compensation at a level which is in the top 10% of all employees within 75 miles of the worksite, the employer may deny the employee job restoration after the conclusion of leave if such restoration will cause substantial and grievous economic injury to the employer's operations.

UNLAWFUL ACTS BY EMPLOYERS: Federal and state law make it unlawful for any employer to:

Interfere with, restrain, or deny the exercise of rights provided under the FMLA or NJFLA.

Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA and NJFLA or for involvement in any proceeding under or relating to the FMLA or NJFLA.

ENFORCEMENT:

The U.S. Department of Labor is authorized to investigate and resolve complaint of violations of the FMLA.

The N.J. Division on Civil Rights in the Department of Law and Public Safety is authorized to investigate and resolve complaints of violations of the NJFLA.

An eligible employee may bring a civil action against the employer for violations of the FMLA and NJFLA.

The FMLA and NJFLA do not affect any Federal or State law prohibiting discrimination, or supersede any local law of collective bargaining agreement which provides greater family or medical leave rights.

FOR ADDITIONAL INFORMATION: For additional information on the F.MLA, contact the personnel department or the U.S. Department of Labor, Wage and Hour Division, at (609)989-2247.

For additional information on the NJFLA, contact the personnel department or the N.J. Division on Civil Rights (609)984-3120.

TOWNSHIP OF LOWER ALLOWAYS CREEK
NOTICE OF EXPECTATION AND OBLIGATIONS UNDER FAMILY LEAVE

An employee who takes a leave or has an absence that qualifies as a leave under the Family and Medical Leave Act of 1993 ("FMLA") is subject to certain expectations and obligations which are explained below:

(1) A leave or absence which qualifies as FMLA leave will be counted against the employee's annual entitlement to twelve (12) weeks of FMLA leave.

(2) Unless waived in a particular circumstance by the Township, an employee who requests FMLA on the basis of his or her own or a family member's serious health condition must submit a medical certification supporting the request. The appropriate forms are available in the Personnel and Finance Department. Failure to submit a medical certification within fifteen (15) days after the request for FMLA leave may result in denial of FMLA leave and the loss of continued medical benefit subsidies and job protection during the employee's absence from work. Submission of an inadequate certification may result in a delay in the granting of FMLA leave. In the case of a Self Care Leave, the Township may require the employee to submit additional medical certifications after the commencement of FMLA leave. The Township may also require the employee to report periodically on his or her status and intent to return from FMLA leave.

(3) It is the policy of the Township of Lower Alloways Creek to require employees to exhaust their accrued but unused paid leave during a FMLA leave in the order that follows:

- If the employee takes FMLA leave in connection with the birth of a child or the placement of a child for adoption or foster care, the Township will substitute to the fullest extent possible the employee's accrued paid vacation, and personal leave for unpaid FMLA leave;

- If the employee takes FMLA leave in connection with the serious health condition of a child, spouse, or parent, the Township shall substitute to the fullest extent possible the employee's accrued paid vacation, personal, and sick leave for unpaid FMLA leave; and

- If the employee takes leave on connection with his or her own serious health condition, the Township shall substitute to the fullest extent possible the employee's accrued paid sick, vacation and personal leave for unpaid FMLA leave.

If the employee's total accrued paid leaves do not cover the entire leave period requested by the employee, the balance of the FMLA leave shall be unpaid.

(4) Unless the employee is receiving health benefits without cost, the employee must continue to make his or her usual premium contributions to maintain those benefits during FMLA leave. The employee shall then be responsible for the difference. Employees will be advised of such payment, if applicable.

In addition, if the Township finds it necessary to pay premiums for non-health benefits to preserve the employee's eligibility for such benefits upon the employee's return from leave, the employee shall be responsible for reimbursing the Township for such premiums. A summary of the employee costs to continue health and other benefit coverages during a leave shall be identified at the time of leave. In the event an employee exhausts his or her entitlement to FMLA leave but remains eligible for additional leave under the New Jersey Family Leave Act ("NJFLA"), the employee shall pay the full cost of health benefits without employer subsidies during that additional period of State leave, unless otherwise regulated by the State Health Benefits Plan.

(5) If any employee takes a leave for his or her own serious health condition, the employee shall present a fitness-for-duty certificate to the Chief Financial Officer upon returning from leave. The appropriate form is available from the Personnel and Finance Department. Failure to submit the certificate will result in a delay in reinstatement. Such delay may adversely affect the employee's reinstatement rights once the employee's entitlement to FMLA leave is exhausted.

(6) The Township will advise the employee if he or she is a "key employee" under the FMLA or NJFLA. Key employees are entitled to FMLA/NJFLA leave; however, they can be denied reinstatement to employment if reinstatement will cause substantial and grievous economic injury to the operations of the Township.

(7) Except as provided in six (6) above, an employee on FMLA leave has the right to restoration to the same or an equivalent job upon return from leave. An employee on NJFLA enjoys similar restoration rights.

(8) Absent a continuing serious health condition or other circumstances beyond the employee's control, an employee who fails to return from FMLA leave or fails to remain at work for thirty (30) calendar days after returning from FMLA leave will be liable for the repayment of all benefit premiums paid by the Township during the employee's unpaid FMLA leave. The Township may, to the extent consistent with law, withhold payment for such premiums from any monies due the employee upon his or her termination of employment.

APPLICATION FOR FAMILY AND/OR MEDICAL LEAVE (FMLA)
AND/OR NEW JERSEY FAMILY LEAVE (NJFLA)

Name:_____ Department:_____

Title:_____ Date of Request: _____

Start Date of Anticipated Leave:_____

Expected Date of Return to Work:_____

Reason for Leave:

- ❑ I request family leave to care for my newborn child, my 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 ❑ Parent-in-law (NJFLA only)

  Name: _____ Address: _____
  _____

- ❑ I request medical leave to care for my own serious medical condition. Describe serious health condition:_____
  _____

A leave request based on an employee's serious health condition or the serious health condition of an employee's spouse, child, parent or parent-in-law must be accompanied by a verifying medical certification from a physician. The medical certification must be submitted within 15 days of the request for Family and Medical Leave.

Method of Leave Requested:

- ❑ Consecutive Leave

- ❑ Intermittent or Reduced Leave Schedule (specify schedule below) (Available for Self-Care Leave and Family-Care Leave only.)

_____

_____

I authorize the Township or its authorized agent to contact the physician of record on this request to verify the medical condition, obtain records to provide for an independent second opinion, or determine the duration of the condition. Upon the Township's request, I will sign a formal medical records release form to facilitate such inquiries.

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family or medical leave exceeds 12 weeks, the Township may terminate my employment in accordance with applicable law. If my request for a leave is approved, it is my understanding that unless the Township 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 do so will constitute unequivocal notice of my intent not to return to work and the Township may terminate my employment.

Signature:_____ Date:_____

Supervisor:_____ Date:_____

APPROVED BY:_____ Date:_____

CERTIFIED APPLICATION FOR FAMILY LEAVE
(To be completed by Employee)

1. Indicate reason for leave:
   - ❑ Birth of son or daughter.
     [Complete Child Care Certification]
   - ❑ Placement of son or daughter with employee for adoption or foster care.
     [Complete Child Care Certification]
   - ❑ Serious health condition of son or daughter.
     [Complete Family Care Certification]
   - ❑ Serious health condition of spouse.
     [Complete Certification of Health Care Provider]
   - ❑ Serious health condition of parent or parent-in-law.
     [Complete Certification of Health Care Provider]
   - ❑ Employee's own serious health condition.
     [Complete Certification of Health Care Provider]

2. Name of son, daughter, spouse, parent, parent-in-law or employee indicated above:
   _____

3. Relation to employee: _____

I certify that I am applying for Family Leave to provide care for the above named family member or because of my own serious health condition. I understand that I may be required to submit additional information to support my application for leave and that failure to submit such information may result in the delay or denial of my leave request. I further understand that if I knowingly submit false information, I will be subject to disciplinary action up to and including discharge.

_____ _____
SIGNATURE OF EMPLOYEE DATE

PLEASE RETURN THIS FORM TO: LAC Municipal Clerk
PO Box 157
501 Locust Island Road
Hancock's Bridge, NJ 08038

[This form should be used to identify the basis for the leave request so that the Employer may provide the employee with the appropriate certification form.]

MEDICAL CERTIFICATION STATEMENT
(Employee's Own Serious Illness)

Name of Employee: _____

Date Condition Began: _____

Date Condition Ended (or is expected to end): _____

Medical facts regarding the condition: _____
_____
_____
_____

Explanation of extent to which employee is unable to perform the functions of his or her job:
_____
_____
_____

Health Care Provider Signature: _____

Date: _____ Office Phone: _____

Medical Release:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____ Date:_____

MEDICAL CERTIFICATION STATEMENT
(Illness of Employee's Family Member)

Name of Employee: _____

Name of Ill Family Member: _____

Date Condition Began: _____

Date Condition Ended (or is expected to end): _____

Medical facts regarding the condition: _____
_____
_____
_____

Explanation of extent to which employee is needed to care for the ill spouse, child, parent or parent-in-law: _____
_____
_____
_____

Health Care Provider Signature: _____

Date: _____ Office Phone: _____

Medical Release:

I authorize the release of any medical information necessary to process the above request.

Patient's Signature: _____ Date:_____

CHILD CARE CERTIFICATION
(To be completed by Employee and returned within ____workdays.)

1. Name of Employee:_____

2. If leave is sought in connection with the birth of a son or daughter, please indicate the child's name and date of birth, if known.

   Name of child: _____
   Date of birth: _____
   or
   Expected date of birth:_____

3. If leave is sought in connection with the placement of a son or daughter with you for adoption or foster care, please indicate the child's name, date of birth, and date of placement.

   Name of child: _____
   Date of birth: _____
   Date of placement: _____

4. Request for Continuous Leave (1 to 12 weeks):

   Number of Continuous Weeks Requested:_____

5. Please indicate your proposed Leave Schedule:

   From _____ To _____

I certify that the above information is true and correct to the best of my knowledge.

_____ _____
SIGNATURE OF EMPLOYEE DATE

PLEASE RETURN THIS FORM TO: _____
LAC Municipal Clerk
PO Box 157
501 Locust Island Road
Hancock's Bridge, NJ 08038

CERTIFICATION OF HEALTH CARE PROVIDER
(For Self-Care & Family-Care Leaves)

1. Employee's Name:_____

2. Patient's Name (if different from employee): _____

3. The attached sheet describes what is meant by a **"serious health condition"** under the Family and Medical Leave Act. Does the patient's condition[1] qualify under any of the categories described? If so, please check the applicable category.

   (1)___ (2)___ (3)___ (4)___ (5)___ (6)___, or None of the above____

4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____
   _____

5. a. State the approximate **date** the condition commenced: _____

   b. State the probable **duration** of the condition:_____

   c. State the probable duration of the patient's present **incapacity**[2] if different:
   _____

---

[1] Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

[2] **"Incapacity,"** for purpose of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from.

d. Will it be necessary for the employee to take work only **intermittently or to work on a less than full schedule** as a result of the condition (including for treatment described in Item 6 below)? ❑ Yes ❑ No

If yes, state the probable duration: _____

e. If the condition is a **chronic condition** (condition #4) or **pregnancy**, is the patient is presently incapacitated[2]? ❑ Yes ❑ No

If yes, what is the likely duration and frequency of **episodes of incapacity**[2]:

_____
_____
_____

6. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments.

_____
_____
_____

If the patient will be absent from work or other daily **activities** because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

_____
_____
_____
_____

b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

_____
_____
_____
_____

c. If a **regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

_____
_____
_____

7. a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform** work of any kind? ❑ Yes ❑ No

b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (Answer after reviewing job description from employer describing essential functions of employee's position, or if not provided, after discussing the employee's job responsibilities with the employee)? ❑ Yes ❑ No

If yes, please list the essential functions the employee is unable to perform:

_____

_____

_____

c. If neither a. nor b. applies, is it necessary for the employee to be **absent from work for treatment**? ❑ Yes ❑ No

8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation? ❑ Yes ❑ No

b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery? ❑ Yes ❑ No

c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable duration of this need: _____

_____ _____

Signature of Health Care Provider Date

_____ _____

Name of Health Care Provider Telephone Number
(Please Print Clearly

_____

Address

_____

Type of Practice

_____

Area of Specialization

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the time period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

_____ _____
Employee Signature Date

Please return completed form in a sealed envelope marked CONFIDENTIAL to the Municipal Clerk or his or her designee.

A **"Serious Health Condition"** means an illness, injury, impairment, or physical or medical condition that involves one of the following:

1. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity[2] or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity[2] of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity[2] relating to the same condition), that also involves:

(1) **Treatment**[3] **two or more times** by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**[4] under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

---

[3] Treatment includes examination to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

[4] A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

(1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and

(3) May cause **episodic** rather than a continuing period of incapacity[2] (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **incapacity**[2] which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision or, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, **or** for a condition that **would likely result in a period of incapacity[2] of more than three consecutive calendar days in the absence of medical intervention or treatment,** such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

EMPLOYER RESPONSE TO EMPLOYEE
REQUEST FOR FAMILY OR MEDICAL LEAVE
FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA)
NEW JERSEY FAMILY LEAVE ACT (NJFLA)

To: _____
Employee's Name

From: _____
[Employer Representative]

Date: _____

Re: Request for Family and/or Medical Leave

On _____, you notified us of your need to take family or medical leave due to:

- ❑ The birth of a child, or the placement of a child with you for adoption or foster care; or
- ❑ A serious health condition that makes you unable to perform the essential functions for your job (FMLA only); or
- ❑ A serious health condition affecting your:

  ❑ Spouse ❑ Child ❑ Parent ❑ Parent-in-law (NJFLA only)

  for whom you are needed to provide care.

You notified us that you need this leave beginning on _____, and that you expect leave to continue until on or about _____.

This form responds to your request for leave under the FMLA and/or NJFLA. Depending upon the reason for your leave, your leave may qualify under the FMLA or the NJFLA or both. If you qualify for leave under the FMLA and NJFLA, your leave will run concurrently.

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the

same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following leave for a reason other than:

(1) the continuation, recurrence, or onset of a serious health condition which would entitled you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse the Township for its share of health insurance premiums paid on you behalf during your leave. Except as explained below, you have a right under the NJFLA to twelve weeks of family leave in any twenty-four month period.

This is to inform you that:

1. You are ❑ eligible ❑ not eligible for leave under the FMLA. The type of leave and its duration cannot be determined until the Township receives the Certification of Health Care Provider form.

2. The requested leave ❑ will ❑ will not be counted against your annual FMLA leave entitlement.

3. You are ❑ eligible ❑ not eligible for leave under the NJFLA.

4. The requested leave ❑ will ❑ will not be counted against your biannual NJFLA leave entitlement.

5. The Township requires employees on FMLA and/or NJFLA leave to use their accrued but unused leave time toward unpaid FMLA and/or NJFLA leave. If paid leave will be used, the following conditions will apply:

6. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: (Set forth dates, e.g., the 10th of each month or pay periods, etc. that specifically cover the agreement with the employee.)

(b) You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that you health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We [ ] will [ ] will not pay your share of health insurance premiums while you are on leave.

(c) We [ ] will [ ] will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you [ ] will [ ] will not be expected to reimburse us for the payments made on your behalf.

7. You ❑ will ❑ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by _____ (a date at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.

8. You ❑ will ❑ will not be required to furnish recertification relating to a serious health condition. You are required to furnish recertifications every _____ calendar days.

9. You ❑ will ❑ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

10. (a) You ❑ are ❑ are not a "key employee." If you are a "key employee," restoration to employment may be denied following FMLA and/or NJFLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.

(b) We ❑ have ❑ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (Explain (a) and/or (b) below.)

11. While on leave you ❑ will ❑ will not be required to furnish us with periodic reports every _____ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see § 825.309 of the FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on this form, you ❑ will ❑ will not be required to notify us at least two work days prior to the date you intend to report to work.

CERTIFICATION OF EMPLOYEE'S FITNESS TO RETURN TO WORK
(To be completed by Employee's Health Care Provider and
returned prior to Employee's return to work from Self Care Leave)

This completed form should be delivered to the Municipal Clerk.

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

Name of Employee:_____

Employee's Position:_____

Date leave commenced:_____

Date employee can return to work:_____

_____ _____
Signature of Employee Date

PART II: TO BE COMPLETED BY HEALTH CARE PROVIDER

Employee Name: _____ Title: _____

❑ I have completely examined this employee. In my medical opinion, his/her functional capacity is limited such that there is no possible way to modify his/her work environment to accommodate his/her physical and/or mental limitations according to the attached job description that was reviewed by me.

❑ This employee's condition prevents him/her from safely performing the essential functions of his/her position and will be unable to return to work.

- or-

❑ This employee is unable to return to work at this time and should be out of work until (please provide date):_____

❑ I have completely examined this employee and in my medical opinion, his/her functional capacity is limited. This employee can continue to work safely if the job, according to the attached job description that was reviewed by me, is modified to match the modifications stated below:_____
_____
_____
_____

_____ Modified duty status should continue until_____
Date

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

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

_____ _____
Physician's Signature Date

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

MEDICAL BENEFITS

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 TOWNSHIP 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 IN ACCORDANCE WITH APPLICABLE LAW. THE TOWNSHIP ALSO RESERVES THE RIGHT TO CHANGE INSURANCE CARRIERS IN ACCORDANCE WITH APPLICABLE LAW.

Full-time employees and their dependents are eligible for medical insurance benefits. Part-time, temporary and seasonal employees are not entitled to medical insurance benefits.

Medical/Hospitalization Coverage

The Township provides major medical and hospitalization insurance for the employee and the employees' eligible dependents. Employees may be required to contribute toward premium payments. If a Township employee who has been employed by the Township for a minimum of five years dies, the surviving spouse will be covered until remarriage. The children will be covered until the spouse remarries or the children become emancipated.

Employees with Individual agreements and unionized employees receive major medical and hospitalization insurance in accordance with applicable collective bargaining agreements.

Payments of such premiums by the Township will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Prescription Drug Coverage

The Township provides prescription drug insurance for the employee and the employee's eligible dependents. If a Township employee who has been employed by the Township for a minimum of five years dies, the surviving spouse will be covered until remarriage. The children will be covered until the spouse remarries or the children become emancipated.

Employees with Individual agreements and unionized employees receive prescription drug coverage in accordance with applicable collective bargaining agreements.

Employees will be responsible to pay a co-pay on prescriptions. The co-pay on prescriptions for employees with Individual agreements and unionized employees will be in accordance with the provision of the applicable collective bargaining agreement.
Payments of such premiums by the Township will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Dental Coverage

The Township provides dental insurance for the employee and the employee's eligible dependents. If a Township employee who has been employed by the Township for a minimum of five years dies, the surviving spouse will be covered until remarriage. The children will be covered until the spouse remarries or the children become emancipated.

Employees with Individual agreements and unionized employees receive dental coverage in accordance with applicable collective bargaining agreements.

Optical Benefits

The Township provides up to a fixed sum per year, upon presentation of a paid receipt or submission of a voucher from an optician, optometrist, or ophthalmologist, for any eye examination and/or purchase of eyeglasses for full-time employees.

Employees with Individual agreements and unionized employees receive optical benefits in accordance with applicable collective bargaining agreements.

Retiree Health Benefits

The Township provides post-retirement medical benefits to the employee and his or her dependents, provided the employee qualifies for and has retired through the New Jersey Division of Pensions and Benefits under the Police and Fireman's Retirement System ("PFRS") or the Public Employees Retirement System ("PERS") and meets at least one of the following requirements:

(a) Retirement on a disability pension; or

(b) Retirement with 25 years or more of service credit in a state or locally-administered retirement system and at least 20 years of service with the Township; or

(c) Retirement at age 62 or older with at least 15 years of service with the Township.

Those retirees who are eligible for Medicare are required by law to enroll in the full Medicare Program (Parts A and B) to be covered under the Lower Alloways Creek Township Health Plan. Medicare will be the primary payer and Lower Alloways Creek Township's plan will be the secondary payer.

On the death of a retired Township employee who was entitled to health insurance following retirement, his or her spouse and dependants who qualified under this section will be entitled to have those benefits maintained at the Township's expense until remarriage. Said spouse, if eligible is required by law to enroll in the full Medical Program (Parts A and B) to be covered under the Lower Alloways Creek Township Health Plan. Medicare shall be the primary payer and Lower Alloways Creek Township's plan will be the secondary payer.

The Township reserves its right to change eligibility requirements for retiree health benefits at any time in accordance with legal requirements.

No Duplication of Benefits

Employees with dependants employed by the Township will be eligible for only one set of benefits.

Health Benefits During Leave of Absence

Any employee taking an unpaid leave of absence will be permitted to continue his/her health benefit coverage after employer-paid coverage ends by paying the monthly premiums prior to the coverage month. In addition, an eligible employee who takes leave qualifying under the Federal Family Medical Leave Act will have coverage continued by the Township during such leave.

HIPAA COMPLIANCE

The Township is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the Township maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

MEDICAL BENEFITS

COBRA Notice of Availability

Date

Employee's (and spouse's) Name
Street Address
City, State, Zip Code

The health care coverage provided by the Township of Lower Alloways Creek to you and to any of your dependents ends on [month, day, year]. [For spouse or dependent events only: *the date when you were legally separated or divorced, or were no longer a qualified dependent as required under the Township of Lower Alloways Creek Health Benefit Program, or lose coverage under the Township of Lower Alloways Creek Health Benefit Program because your spouse or parent died or became covered under Medicare.*] However, as required by the Consolidated Omnibus Budget Reconciliation Act (COBRA), you may elect to continue the health plan coverage in which you and your dependents currently are enrolled, [name and number of plan option], and pay the applicable monthly premiums.

If you elect to extend your coverage, the benefits may continue for 18 [36] months but may end sooner when one of the following events occurs:

- You, or a covered dependent, become covered under any group health plan and that plan's preexisting medical conditions exclusions or limitations do not apply or are satisfied by you, or a covered dependent.
- You, or your covered dependent, become covered by Medicare.
- You fail to pay on time the monthly charge for this coverage.
- The Township of Lower Alloways Creek no longer sponsors any employee health plan.

[For 18-month events only: *You, and/or covered dependents, may be able to extend COBRA coverage from 18 months to 29 months, if before the end of the 18-month COBRA coverage period, the Social Security Administration determines that you, or a covered dependent, have been disabled at any time during the first 60 days of continuation coverage. The coverage extension is available together or individually to the disabled individual and to the individual's nondisabled family members who are entitled to COBRA continuation coverage. Premiums during the additional 11 months of coverage will be at a substantially higher rate than for the initial 18-month period for coverage that includes the disabled individual. To qualify for the extension, you must submit a copy of the Social Security disability determination within 60 days*

of the date of the notice and before the end of the 18-month COBRA coverage period to [Name and address of responsible individual].

The monthly charge for continuation coverage is as follows:

	Medical Dental/ Optical Coverage	Medical Coverage Only	Dental Only	Vision Only
Individual	[$$$]	[$$$]	[$$$]	[$$$]
Individual/spouse	[$$$]	[$$$]	[$$$]	[$$$]
Individual/children	[$$$]	[$$$]	[$$$]	[$$$]
Family	[$$$]	[$$$]	[$$$]	[$$$]

[This may be modified to accommodate other medical options].

Your first payment will be for the period beginning on [month, day, year active employee coverage terminates] through the end of the month in which you submit payment.

Your first payment must be received no later than 45 days from the date when you return the attached election form for processing. Subsequently, you must submit your monthly premium in full by the first day of each month, but no later than 30 days after the due date. You will mail your payments to the person and address listed on your copy of the attached election form. You will not receive any subsequent billing notices. [Alternately: You will be billed monthly. Each bill will indicate the amount due, the due date, and where to send your payment. Or, You will receive a coupon book with monthly billing statements.]

If your first payment, or any subsequent payment, is not received timely, you will lose your option to continue coverage. Payments must be for the full amount of the required premium. Coverage is provided only when the full premium for the applicable period is received.

If you wish to continue coverage, please complete both copies of the attached election form. Keep one copy for your records and return the other copy as indicated on the form. If you do not wish to continue coverage for yourself, your covered spouse and/ or children may elect to continue their coverage on their own. To continue your health care coverage, and/or your spouse or children's coverage, send the following as indicated on the election form:

1. Your completed coverage continuation election form by [month, day, year], 60 days after the date of this notice;

2. Your first payment no later than 45 days following the date you return the election form.

If you have any questions, please call [name of responsible person] at [phone number].

Sincerely,

MEDICAL BENEFITS

COBRA Coverage Election Form

IMPORTANT: If you wish to continue your health care coverage we must receive:

1. A completed copy of this election form by [insert deadline date], within 60 days of the date of our initial notice to you;

2. Your first payment no later than 45 days following the date you return this election form. Your first payment will be for the period beginning on [month, day, year active employee coverage terminates] through the end of the month in which you submit your payment. Subsequent monthly premiums are due on the first day of each month, but no later than 30 days after that.

Coverage is provided only when the full premium for the applicable period is received.

I wish to continue coverage under the Township of Lower Alloways Creek Health Benefit Plan as follows (Select one option. Each individual for whom coverage is to be continued must have been insured under the Township of Lower Alloways Creek health plan on [month, day, year immediately before the qualifying event]): [The following options may be modified as necessary for varying options, i.e., medical only or medical and dental, or dental only.]

____ 1. For myself only (Monthly premium amount-[$$$]).

____ 2. For myself and my dependent(s) (family coverage) (Monthly premium amount-[$$$]).

____ 3. For the following individual(s) only, as listed below under "Dependents To Be Covered." (Monthly premium amount -[$$$] per individual, or [Family Rate]).

DEPENDENTS TO BE COVERED: Please print below the full name, date of birth, and relationship to employee of each individual for whom coverage is being continued.

NAME/ SOCIAL SECURITY NUMBER	DATE OF BIRTH (MONTH, DAY, YEAR)	RELATIONSHIP TO EMPLOYEE
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature (yours and your covered spouse's, if applicable)

_____ _____
Signature Date

_____ _____
Signature Date

Return one copy of this completed and signed form to: [Name, Title, Company Name, Address].

All premium payments should be made out to [Company Name] and sent to: [Name, Title, Address].

If you have any questions regarding your health care coverage, please call [Name], at [telephone number].

Note: If you expect to be covered under another employer plan, you should verify the actual date that the new coverage will be effective for you and each member of your family, including any exclusions for preexisting medical conditions. If your move to a new employer plan would result in a period of uninsurance of more than 63 days, you should consider continuing your existing coverage through COBRA until your new coverage is effective.

When your COBRA coverage ends, you will receive certification of the duration of your COBRA coverage.

MEDICAL BENEFITS

Summary of Rights and Obligations Regarding
Continuation of Coverage under Group Health Plans
(To Be Attached To Your COBRA Notification Letter
upon a COBRA Qualifying Event)

Federal law requires that most employers sponsoring group health plans offer employees and their families the opportunity to elect a temporary extension of health coverage (called "continuation coverage" or "COBRA coverage") in certain instances where coverage under the group health plan would otherwise end.

This notice is intended to provide you with a summary of your rights and obligations under the continuation coverage provisions of the law. This notice should not be construed to offer any greater COBRA rights than what the COBRA statutes require. The COBRA statute is not clear on some portions and is interpreted by Federal agencies and the courts. Congress often changes the law. Therefore, this summary is subject to change without notice as interpretations or changes of the law occur.

You do not have to show that you are insurable to elect continuation coverage. However, you will have to pay the entire premium for your continuation coverage. At the end of the maximum coverage period (described herein), you may also be entitled to enroll in an individual conversion health plan if it is otherwise available under the plan.

Qualifying Events for Qualified Beneficiaries

If you are an employee of an Employer covered by a group health plan, you have the right to elect continuation coverage if you lose group health coverage for any of these reasons:

1. Termination of your employment (for reasons other than your gross misconduct);
2. Reduction in the hours of your employment.

If you are the spouse of an employee covered by a group health plan, you have the right to elect continuation coverage if you lose group health coverage for any of these reasons:

1. Death of your spouse;
2. Termination of your spouse's employment (for reasons other than your spouse's gross misconduct);
3. Reduction in the hours of your spouse's employment;
4. Divorce or legal separation from your spouse;
5. Your spouse becomes entitled to Medicare benefits.

A dependent child of an employee covered by a group health plan has the right to elect continuation coverage if the dependent child loses group health coverage for any of these reasons:

1. Death of the employee parent;
2. Termination of the employee parent's employment (for reasons other than the employee parent's gross misconduct)
3. Reduction in the hours of the employee parent's employment;
4. Divorce or legal separation of the dependent child's parents;
5. Employee parent becomes entitled to Medicare benefits;
6. Dependent ceases to be a "dependent child" as defined by the health coverage plan.

Notices and Elections

Under the COBRA law, you (the employee) or a family member has the responsibility to notify the Plan Administrator upon a divorce, legal separation or a child losing dependent status. You or a family member must give this notice no later than 60 days after the group health coverage would otherwise end. *If you or a family member fails to the notify the Plan Administrator during the 60-day notice period, any family member who loses coverage will NOT be offered the option to elect continuation coverage.* Further, if you or a family member does not notify the Plan Administrator of the divorce, legal separation or child losing dependent status, you and your family members will be required to reimburse the health plan for any claims paid after coverage has been lost.

If the Plan Administrator is notified on a timely basis of a divorce, legal separation or a child's losing dependent status that has caused a loss of coverage, the Plan Administrator will notify the affected family member(s) of the right to elect continuation coverage. Such "qualified beneficiaries" will also be notified of the right to elect continuation coverage automatically (without any action required by the employee or family member) upon the following events that result in a loss of coverage: termination of the employee (for reasons other than the employee's gross misconduct), reduction in hours worked by the employee, death of the employee or the employee becoming eligible for Medicare.

Qualified beneficiaries must elect continuation coverage within 60 days after group health coverage ends or, if later, 60 days after the Plan Administrator sends the qualified beneficiaries the notice of the right to elect continuation coverage. *All qualified beneficiaries will lose their right to elect continuation coverage if they do not elect continuation coverage within this 60-day election period.*

Qualified beneficiaries may elect continuation coverage for any or all qualified beneficiaries. All qualified beneficiaries have independent rights to elect continuation coverage. Thus, a spouse or dependent child may elect continuation coverage even if the covered employee does not. The employee or any covered family members can elect continuation coverage even if the employee or family members are covered under another employer-sponsored group health plan or are entitled to Medicare at the time the employee or family members elect continuation coverage.

Type of Coverage and Premium Payments

If COBRA coverage is elected, the Employer must provide coverage that is identical to the coverage provided under the group health plan to similarly situated employees or family members. If the coverage for similarly situated employees or family members is modified, COBRA coverage will be modified in the same manner.

Qualified beneficiaries who elect COBRA coverage must pay the premium payments for the "initial premium months" by the 45th day after electing continuation coverage. The initial premium months begin when coverage would have otherwise terminated and end on or before the 45th day after the date of the COBRA election. All other premiums will be due on the first of the month for which the premium is paid, subject to a 30-day grace period.

Maximum Coverage Periods

36 Months. If the qualified beneficiary loses group health coverage due to death of the employee, divorce, legal separation, the employee becoming entitled to Medicare or the dependent child's loss of dependent status, the maximum coverage period for the qualified beneficiary is three years from the date of the qualifying event.

18 Months. If the qualified beneficiary loses group health coverage due to the termination of the employee (for reasons other than the employee's gross misconduct) or reduction in hours, the maximum continuation period for the qualified beneficiary is 18 months from the date of the qualifying event.

Exceptions to the 18-month Period:

29 Months. If the qualified beneficiary who loses coverage due to the termination of the employee (for reasons other than the employee's gross misconduct) or reduction of hours is disabled at any time during the first 60 days of continuation coverage (from the date of the qualifying event), the continuation coverage period for all qualified beneficiaries under the qualifying event is 29 months from the date of the qualifying event. The Social Security Administration must formally determine under Title II (Old Age, Survivors and Disability Insurance) or Title XVI (Supplemental Security Income) of the Social Security Act that the disability exists and when it began. For the 29-month continuation coverage period to apply, the disabled individual must provide notice of the determination of disability under the Social Security Act to the Employer within the 18-month coverage period and within 60 days after the date of the determination.

36 Months. If a second qualifying event (such as death or divorce of the employee) occurs within the 18-month or 29-month coverage period, the maximum coverage period becomes three years from the date of the initial qualifying event. If the qualifying event occurs within 18 months after the employee becomes entitled to Medicare, the maximum coverage period for the qualified

beneficiary (spouse or dependent child) ends three years from the date of the initial qualifying event.

Children New to the Covered Employee (Newborn. Adopted or Placed for Adoption) after the Qualifying Event

If, during the period of continuation coverage, a child is born to the covered employee, adopted by the covered employee or placed for adoption with the employee, the child is considered a qualified beneficiary. The covered employee or other guardian has the right to elect continuation coverage for the child, provided the child satisfies the otherwise applicable plan eligibility rules (such as age). The covered employee or a family member must notify the Plan Administrator within 30 days of the birth, adoption or placement for adoption of a child in order to enroll the child on COBRA. *If the Plan Administrator is not notified within that time, the covered employee will not be offered the option to elect COBRA coverage for the child.*

Termination of COBRA Coverage

Continuation coverage of the qualified beneficiary will automatically terminate (even before the end of the maximum coverage period) when anyone of the following events occurs:

1. The Employer no longer provides group health coverage to any of its employees;
2. The premium for COBRA coverage is not paid on a timely basis;
3. After electing COBRA, the qualified beneficiary becomes covered under another group health plan that has no exclusions or limitations with respect to any pre-existing condition affecting the covered person. If the other plan has applicable exclusions or limitations, the COBRA coverage will terminate after the exclusion or limitation no longer applies. This rule applies only to the qualified beneficiary who becomes covered by another group health plan. (Note that under Federal law (the Health Insurance Portability and Accountability Act of 1996), an exclusion or limitation of the other group health plan might not apply at all to the qualified beneficiary, depending on the length of his/her creditable health plan coverage prior to enrolling in the other group health plan.);
4. After electing COBRA, the qualified beneficiary becomes entitled to Medicare benefits. This applies only to the qualified beneficiary who becomes entitled to Medicare.
5. If the qualified beneficiary became entitled to a 29-month maximum coverage period due to disability of a qualified beneficiary, but then there is a final determination under Title II or Title XVI of the Social Security Act that the qualified beneficiary is no longer disabled. In this case, coverage will not end until the month that begins more than 30 days after the determination.
6. Occurrence of any event that permits termination of coverage for cause with respect to similarly situated beneficiaries under the plan with respect to whom a qualifying event has not occurred.

Other Information

If you or your family members have any questions about this notice, COBRA or if you need additional information regarding benefits, eligibility, exclusions and limitations under the group

health plan, please contact the Plan Administrator. You are required to notify the Plan Administrator immediately if any of the following occurs:

1. Your marital status changes;
2. A dependent ceases to be a dependent eligible for coverage under a group health plan;
3. Your address or the address of a covered family member changes.

Plan Administrator

The Employer is the Plan Administrator. All notices and other communications regarding COBRA and group health coverage should be sent to the Chief Financial Officer.

COMPUTERS, INTERNET AND E-MAIL USAGE

The availability and use of the personal computer, access to the Internet and use of e-mail within the work environment has provided many opportunities to enhance productivity and effectiveness. Nevertheless, these new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the Township and employees using these electronic systems. Therefore, all Township employees must abide by the guidelines set forth in this policy when using personal computers, services of external databases and information exchange networks, and voice mail, mobile digital terminals and related electronic messaging devices.

Definition

Electronic Messaging Device ("EMD"): EMDs include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, mobile digital terminals and facsimile transmissions.

General Principles

1. Transmission of electronic messages and information on communication media provided to employees must be treated with the same degree of propriety and professionalism as official written correspondence. Township supplied e-mail accounts and Internet IDs should not be used for anything other than Township-sanctioned communications.

2. Correspondence via e-mail is not guaranteed to be private. Confidential e-mails should not be sent without encryption or password protection. If the Township determines that encryption software is appropriate, encryption software must be provided or approved by the Department Head. The Department Head must be given a copy of all passwords, and encryption and decryption "keys."

3. Use of EMDs will be monitored for security and/or management reasons. Users are subject to limitations on their use of such resources.

4. The distribution of any information through EMDs is subject to all policies and procedures applicable to dissemination of information by non-electronic means. The Township reserves the right to determine the suitability of this information.

5. Use of any EMDs for personal use is discouraged by the Township except in a limited role in compliance with this policy. Employees should use their discretion on its use, while understanding that the Township reserves the right to monitor such usage. Personal use of Township EMDs must not amount to more than the minimus occasional use and must be restricted to authorized break times. More than limited incidental personal use will subject and employee to discipline. Employees may use Township personal

computers for professional and career development purposes in keeping with other restrictions of this policy and with prior Department Head approval.

6. No employee shall access any file or database unless they have a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.

7. To avoid any breaches of security, employees must log off any personal computer which has access to the Township's computer network, electronic mail system, the Internet or sensitive information whenever they leave their workstation.

Usage Rules

The Township prohibits any employee using Township EMDs resources from:

1. Viewing, downloading and/or transmitting materials (other than that required for law enforcement business) that involve the use of obscene, hateful or other objectionable materials; viewing, downloading and/or transmitting any material that is obscene or defamatory or which is intended to annoy, harass or intimidate another person; viewing, downloading and/or transmitting sexually-explicit images, messages, ethnic slurs, racial epithets or any thing which could be construed as harassment or as disparaging of others, whether or not a recipient has consented to or requested such material;

2. Violate policies prohibiting harassment, workplace violence or sexual harassment;

3. Sending or receiving e-mails that are unrelated to Township business activities other than occasional personal communications that otherwise comply with this policy;

4. Soliciting business for personal gain or profit;

5. Soliciting for religious, political, charitable or other causes,

6. Using EMDs for any illegal purpose;

7. Representing personal opinions as those of the Township;

8. Making or posting indecent remarks, proposals, or materials;

9. Uploading, downloading, or otherwise transmitting commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. The Township may remove any software for which proof of licensing

(original disks, original manuals and/or license) cannot be provided. Privately owned software may be loaded on Township computers if it is necessary for business purposes and if it is properly licensed. Personal software will be removed if it conflicts with hardware or software, interferes with the ability of other employees to use the computer or occupies excessive storage space;

10. Downloading or installing any software or electronic files (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources onto any computer without the prior approval of the Department Head. After receipt of approval from the Department, and before being entered into any personal computer, floppy drive and/or shared system, material installed/downloaded must be scanned for viruses with virus protection software approved by the Township. In no case shall external materials or applications be downloaded directly to any shared (network) drive without consulting the Department Head;

11. Making any hardware enhancements or additions to Township owned equipment without the prior approval of the Department Head. The Department Head is responsible for determining proper installation procedures if approved;

12. Intentionally interfering with the normal operation of the Township's computers and/or network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network;

13. Revealing or publicizing confidential Township information. Confidential, proprietary or sensitive information may be disseminated only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the transmittal of personnel information, such as complaints, grievances, misconduct, disciplinary information, medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

14. Examining, changing or using another person's files, output, or user name without explicit authorization;

15. Sharing passwords or permitting unauthorized persons to use the Township's electronic mail system;

16. Performing any other inappropriate uses;

17. Wasting time on non-Township business, including playing games on the internet or "surfing" the Web on Township time.

No Expectation of Privacy

Employees shall use computer equipment and on-line access for Township purposes only, except for limited personal use in accordance with this policy. EMD equipment and its contents, and all information gathered via on-line resources belong to the Township. Additionally, all information stored on Township computers belongs to the Township. Except as necessary for limited personal use, personal material and electronic mail should not be created or stored on the Township's computers. The Township may inspect all computers and information at any time as necessary for the conduct of its business.

The Township retains the right to monitor all on-line communications to ensure that employees pursue only appropriate business purposes. Monitoring may include, but is not limited to, review of e-mail content and attachments, e-mail addresses, tracking Internet sites visited by each user, the frequency and time spent on the Internet by each user, blocking access to certain types of sites, and ensuring compliance with this Policy. Employees must have no expectation of privacy in any EMD equipment or its contents.

All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Township. The Township reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township's Communication Media.

Employees learning of any misuse of the Township's Internet access or e-mail resources must notify the Department Head. Users who violate this policy may be subject to disciplinary action up to and including termination of employment. The Township also retains the right to report any illegal violations to the appropriate authorities.

TELEPHONE AND CELLULAR TELEPHONE USAGE

Township Telephones

Telephones are only to be used for the daily business of the Township. Personal calls should be avoided except for EMERGENCY calls. Collect calls are not permitted and will not be accepted.

Office telephones should be staffed at all times during the work day. Telephones should be answered promptly and courteously. The employee should identify the Department (or Office) and him- or herself by name.

All employees are responsible for:

- restricting personal calls during business hours to essential urgent personal situations.
- confining personal calls to lunch and rest periods unless an urgent personal situation arises.
- spending as little time as possible on any personal call whenever made during business hours.
- using a personal cellular telephone or coin-operated telephone for a personal call whenever such a phone is available.
- ensuring that the Township is not obliged to bear the cost of any personal call made by that employee on a Township telephone. Employees may:
    1. Use a personal cellular telephone or coin-operated telephone.
    2. Charge the call to a home phone.
    3. Charge the call to a personal credit card.
    4. Reverse the charges (calling collect)
    5. Log the time and destination of the call to establish personal accountability for accepting future charges.
    6. Discourage personal incoming calls except for emergency situations.

Employees may be subject to discipline, up to and including discharge, if they abuse the Township's telephones for personal business.

Personal Cellular Telephones

Personal cellular telephones may be used for personal calls and/or personal messaging during working hours only on an emergency basis. Personal calls/messaging on cellular telephones during work hours must not amount to more than emergent, occasional use.

Township employees should make every effort to confine personal use of all cellular telephones to authorized break times or lunch or meal periods and only in authorized areas. Employees shall not take photographs, video recordings and or sound recordings without the prior written

approval of the Township Committee Chair or Department Head while on Township premises or while performing Township business.

Township-Issued Cellular Telephones

All cellular telephones, service plans, and related equipment, including but not limited to, earpieces, headsets, hands free car kits, power chargers, power adapters, batteries, cases, belt clips, etc., funded and purchased by and/or through the Township shall be considered Township property. This includes all portable telephones, analog or digital, vehicle mounted telephones, and Nextel type telephones.

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

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

Use of Township provided cellular telephones is strictly limited to use by Township employees for conducting official Township business. Personal use of Township provided cellular telephones shall be strictly limited to emergent matters when no other form of telephone communication is readily available, and only on an emergency basis.

Employees shall reimburse the Township, on a monthly basis, for all costs associated with any personal use of Township provided cellular telephones. The Township will carefully monitor and review all of their employees' cellular telephone usage invoices, including personal usage.

Employees are strictly prohibited from making or receiving collect calls, credit card calls, using *69, directory assistance or any other such phone service. All costs incurred for the use of these and other such features are the employees' responsibility and they shall reimburse the Township for the cost of the use of such features.

Cellular telephones having camera, e-mail, game, music, internet, and other such functions shall be prohibited unless the need for such functions is specifically demonstrated to the Township Committee.

Township employees found to be in violation of this policy, in addition to returning cellular telephone equipment, will be subject to disciplinary action, up to and including termination of employment.

Using Cellular Telephone While Driving

Except for high priority business purposes, emergencies, or other situations approved by a Department Head, employees must refrain from cellular telephone use while operating a Township vehicle. During operation of a Township vehicle, Township employees should turn off cellular telephones and rely on voice mail features which can be checked at appropriate times after the operation of the vehicle has ended.

Township employees who must use cellular telephones during operation of a Township vehicle may do so only in compliance with all laws, including New Jersey law, which at N.J.S.A. § 39:4-97.3 provides:

1. The use of a wireless telephone by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone, provided that its placement does not interfere with the operation of a federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle.

2. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if: (1) The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or (2) The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs. . . .

POLITICAL ACTIVITY

Prohibited Activities

In accordance with State law, employees are prohibited from engaging in political activities during working hours, on municipal property or while performing their public duties and from using Township 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. No Township officer or employee shall directly or indirectly use or seek to use his or her authority or official influence to control or modify the political action of another person.

No municipal official shall solicit payments or contributions from Township employees for political campaign purposes. Solicitation for political contributions or financial support by or of Township employees shall not be permitted on municipal property.

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 Township employee to support a political party or candidate.

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 should report any violation of this policy to the Municipal Clerk. Any employee who has any questions about political activity laws should refer them to the Municipal Clerk in writing.

Permissible Activities

Nothing in this section shall be construed to prevent Township employees from (1) becoming or continuing to be members of any political party, club or organization, (2) attending political meetings, (3) expressing their views on political matters, or (4) voting with complete freedom in

any election. Employees, however, who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Township.

For additional related information, see Township Communications on Religious and Political Matters Policy.

DISCIPLINE

The Township may immediately terminate an employee who has engaged in impermissible behavior. The Township cannot possibly provide its employees with an exhaustive list of impermissible behavior; however, the following provides some examples:

- Insubordination or serious breach of discipline
- Neglect of duty
- Incompetency or inefficiency
- Incapacity or inability to perform duties due to mental or physical disability or illness
- Fighting or creating a disturbance among fellow employees or threatening violence in the work place
- Sleeping on duty
- Possession, distribution, sale, transfer or use of intoxicants, narcotics or controlled substances without a prescription, being intoxicated or narcotized while on duty or while operating a Township-owned vehicle or equipment
- Violation of safety or health rules
- Smoking in prohibited areas
- Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked; provided that any regular member or officers of the police department who shall be absent from duty without just cause for a period of five days shall cease to be a member of the police department, as provided by N.J.S.A. 40A:14-122, as amended.
- Unauthorized absence from work station during the work day
- Using leave for purposes other than for which it was granted
- False statements, misrepresentation, or fraud in application form or any other matter concerning employment
- Chronic or excessive absenteeism
- Disorderly or immoral conduct
- Theft, bribery or unauthorized use or possession of Township property
- Negligence or willful damage to public property or waste of public supplies
- Conviction of a crime
- The use or attempted use of one's authority or official influence to control or modify the political action of any employee or engaging in any form of political activity during working hours
- Willful falsification of attendance records
- Violation of any of the provisions of the statutes, rules or regulations relating to the employment of public employees
- Infringement of policies defined in this handbook or failure to comply with departmental rules and regulations
- Rude or disrespectful conduct toward the public or fellow co-workers
- Unauthorized disclosure of business transactions or confidential information

- Accepting fees, gifts or other valuable consideration in exchange for preferential treatment, in violation of the Local Government Ethics Law
- Other actions disruptive to the effective, efficient, economical operation of Township affairs
- Conduct unbecoming a public employee.

As previously noted, except as otherwise provided by a collective bargaining agreement or by law, employment may be terminated at will the Township at any time with or without cause and without following any system of discipline or warnings.

Nevertheless, the Township may choose to exercise its discretion to use disciplinary measures that are less severe than termination in certain cases. Less severe forms of discipline include verbal warnings, written warnings, suspension, demotion and fines.

Verbal Warnings

Immediate supervisors and Department Heads have the authority to provide employees under their supervision with verbal warnings. Verbal warnings must be documented in writing and retained in the employee's personnel file. Copies must be provided to the employee, the supervisor and the Department Head.

Written Warnings

Immediate supervisors and Department Heads have the authority to provide employees under their supervision with written warnings. Written warnings must be documented in writing and retained in the employee's personnel file. Copies must be provided to the employee, the supervisor and the Department Head.

Suspensions Without Pay

The Township Committee has the authority to provide employees with a suspension without pay. Suspensions must be documented in writing and retained in the employee's personnel file. Copies must be provided to the employee, the supervisor, the Department Head, Municipal Clerk and the Township Committee.

Demotion

The Township Committee has the authority to demote an employee. In the event of a disciplinary demotion, the Township Committee has the authority to determine the salary applicable to the demoted position. Demotions must be documented in writing and retained in the employee's personnel file. Copies must be provided to the employee, the supervisor, the Department Head, Township Committee and the Municipal Clerk.

Fines

In appropriate circumstances, the Township may fine an employee. The fine will be deducted from the employee's next regular pay check. Fines must be documented in writing and retained in the employee's personnel file. Copies must be provided to the employee, the supervisor, the Department Head and the Clerk and Township Committee.

Appeal Rights

Employees shall have the right to appeal disciplinary actions pursuant the grievance procedures contained in the applicable collective bargaining agreement.

TEMPORARY LAYOFFS AND REDUCTIONS IN FORCE

Temporary Reductions in Force

Although the Township extends every effort to provide employees with steady work, there may be times when it is necessary to reduce the workforce temporarily. The Township tries to spread the work evenly and transfer people rather than have layoffs. When the need for a temporary work force reduction arises, the Township will consider seniority, individual employee qualifications and special skills.

Where possible, the last person laid off will be the first recalled when work is available. The Township will provide as much advance notice as possible if a layoff occurs. Temporary work force reductions for employees with Individual agreements and unionized employees shall be conducted in accordance with the negotiated collective bargaining agreement between the Township and the employee representative.

Reductions in Force

Seniority, training, and efficiency all count in promotions, shift preference, layoffs, and return from layoffs. When the work force in a department is decreased for five working days or less, employees will be loaned to other departments or sent home according to their seniority within their department. When the work force is decreased for more than five working days, employees will be transferred to other departments or laid off according to their seniority. Nevertheless, an employee who has a particular skill may be retained by the department in which he or she works when more senior employees are transferred or laid off. The Township determines which employees will no longer be needed when it eliminates a function or department.

When a layoff is necessary, Probationary employees will be laid off first. If a greater work force reduction is required, regular employees will be laid off on the basis of seniority applied in each affected department commencing with the least senior employees in the same classification in a department. When two employees in the same classification and department have the same seniority date, the individual who is best qualified will be retained. The same "best qualified" condition is applied equally to recall procedure following a temporary layoff. An employee's recall rights terminate three (3) years from the date of layoff.

When openings exist in other classifications, employees scheduled to be laid off will be offered a transfer to other work for which they are qualified in lieu of layoff. Qualified employees transferred to lower-rated jobs receive the pay for the lower-rated job if rate reduction is required. The Township will select employees to fill such openings on a seniority basis when skill factors are substantially equal. An employee recalled to a classification with a lower salary range than his/her previous classification may refuse such position and remain eligible for recall.

In the event positions become available after a layoff, regular full-time employees will be recalled to work in the reverse order within the job classification in which they were laid off by the employer provided the employee has the necessary skills, qualification, and ability for the available position. Notice of recall will be made by certified mail to the employee's last home address of record. An employee who fails to notify the Township of a change-of-address will not be eligible for recall.

Within seventy-two (72) hours of receiving the notice of recall, or within five working days of mailing, whichever first occurs, the employee shall notify the Personnel and Finance Department if he/she intends to return to work, and shall actually return to work within fifteen (15) calendar days after receipt of the notice of recall. Failure to respond as outlined shall result in loss of seniority and recall rights, and the employee shall be considered to have voluntarily resigned.

Unionized Employees and employees with Individual agreements

RIF's for employees with Individual agreements and unionized employees shall be conducted in accordance with the negotiated collective bargaining agreement between the Township and the employee representative.

RETIREMENT

Notification

An employee intending to retire should give the Township at least six (6) months' written notice. Employees may resign from their position by providing written notice of their intent to resign to their Department Head. The Department Head shall forward the written resignation to the Municipal Clerk, who in turn will forward the written resignation to the Township Committee.

The employee, through the Personnel and Finance Department, should apply to the appropriate retirement system for pension benefit information, as soon as possible, but at least six (6) months prior to the anticipated retirement date.

Pension Benefits

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 regular 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. Employees covered under PFRS or PERS shall be governed by the requirements and provision of the system relating to the retirement benefits.

RESIGNATION

An employee who wishes to resign in good standing from his/her position must tender a written resignation to his Department Head providing at least two (2) weeks' (14 calendar days) notice before the effective date of the resignation. The Department Head shall forward the resignation notice to the Municipal Clerk immediately, who in turn will forward the resignation to the Township Committee, so that steps may be taken to replace the resigning employee.

The Township will retain the employee's written resignation in the employee's personnel file. The Municipal Clerk or the Department Head may interview the employee prior to the effective date of the employee's separation.

The Township will pay employees who resign in good standing for their accrued but unused vacation time. Vacation leave requested during the two week notice period will be at the discretion of the Municipal Clerk upon recommendation of the Department Head. The Township does not pay employees for accrued but unused sick or personal time upon separation of employment.

If an employee resigns without giving the required notice, the employee will be deemed to have resigned not in good standing, will not be considered for reemployment and forfeits their entitlement to payment for their accrued but unused vacation time. Any employee who is absent from duty for three (3) or more working days without proper notification will be considered as having resigned, not in good standing.

EXIT INTERVIEWS

When an employee resigns or is terminated from employment with the Township, the employee will be scheduled for an exit interview with the Mayor, Municipal Clerk and a member of the Township Committee.

At the time of the interview, the Mayor, Municipal Clerk and a member of the Township Committee or someone so designated will advise the employee of the right to continue, convert, terminate or vest (as applicable) any benefits. The employee shall provide a forwarding address and other pertinent information.

The purpose of the exit interview is to:

1. Answer questions the employee may have about the departure.

2. Provide Township personnel with insight concerning the employee's position.

3. Determine whether any monies are owed to or by the employee before the final paycheck is issued.

4. Arrange for the return of any Township property in the possession of the employee. The Municipal Clerk or his or her designee shall see that a written report of the exit interview is placed in the employee's personnel file.

PROBLEM RESOLUTION

General Policy

It is the policy of the Township of Lower Alloways Creek that every employee at all times shall be treated fairly, courteously, and with respect. Each employee is expected to accord the same treatment to his or her associates, supervisors, and the public.

Employees' problems are addressed through an "open door" approach. Employees are encouraged to meet with their supervisors and/or Department Heads to discuss their problems, concerns or ideas.

If an employee believes a situation has been handled improperly or feels he or she has been treated inappropriately, the employee should discuss these issues with his or her supervisor. Discussion may continue through ascending levels of management until a problem is resolved.

If an employee believes he cannot resolve his problem fairly through this process of discussion, he may initiate a "grievance." Employees covered under a recognized collective bargaining agreement shall be governed by the grievance procedure established in the applicable collective bargaining agreement. All other employees shall follow the procedure set forth below.

A "grievance' shall be defined as a complaint by an employee (the "grievant") that as to him or her, there has been an inequitable, improper or unjust application, interpretation or violation of these policies or of the general practices in effect in the Township.

Presentation of Grievance

The grievant shall have the right to present his or her own grievance without loss of pay for time spent in presenting the grievance.

Steps of Grievance Procedure

Except as otherwise provided by law or contract, the following shall constitute the method for the resolution of grievances between the Township and its employees:

Step 1 Filing. The grievant shall institute a grievance by preparing a written description of the disputed action, signing same, and delivering it to his or her Department Head. The signed grievance must be delivered within ten (10) working days after the employee would reasonably be expected to know of the disputed action. Failure to submit the signed grievance within ten (10) days shall constitute a waiver of the employee's right to grieve.

Review. The Department Head shall review the facts underlying the grievance with the employee. The meeting shall occur within ten (10) working days after receipt of the signed grievance.

Decision. The Department Head shall render a decision, in writing, within ten (10) working days after said meeting and provide a copy to the grievant.

Step 2

Filing. In the event the grievant is not satisfied with the decision of the Department Head, he or she shall deliver the signed grievance to the Municipal Clerk together with a copy of the Department Head's decision and a signed Request for Step 2 Review. These documents must be delivered to the Municipal Clerk within ten (10) working days following the written determination of Step 1. The grievant shall also deliver a copy of these documents to the Department Head.

Review. The Township Committee Chair and Municipal Clerk shall review the facts concerning the grievance and shall meet with the employee and others as deemed appropriate by the Township Committee Chair. The meeting with the employee shall occur within ten (10) working days after receipt of the Request for Step 2 Review.

Decision. The Township Committee Chair and Clerk shall render a decision, in writing, within ten (10) working days after meeting with the employee and provide a copy to the grievant and Department Head. This decision shall be final and binding in all cases except where the issue is the interpretation of these policies.

Step 3

Scope. In cases where the interpretation of these policies is at issue, a grievant who is not satisfied with the decision of the Township Committee Chair and Department Head may request a review before the Township Committee. Such reviews shall be limited to the interpretation of the specific personnel policies at issue. Questions of fact and the judgments of administrative personnel, unless controlled by a disputed interpretation of the policy at issue, shall not be reopened in Step 3.

Filing. The grievant shall deliver a signed Request for Step 3 Review to the Municipal Clerk together with the signed grievance and the prior decisions. These documents must be delivered to the Clerk within ten (10) working days following the written determination of Step 2.

Review. The Township Committee will consider the grievance within thirty (30) working days after receipt of the request

Decision. The Township Committee shall render its decision, in writing, within ten (10) working days of the review, and deliver copies of same to the grievant and the Municipal Clerk. If the Committee requires additional time to reach a decision, it shall so advise. The decision of the Township Committee shall be final and binding.

Modification of Policies. The Municipal Clerk shall review the decision of the Township Committee to determine whether amendment or clarification of these personnel policies is appropriate.

STANDARD OPERATING PROCEDURES

Subject to the approval of the Township Committee, a Department Head may from time to time establish, amend and supplement standard operating procedures governing the internal operation of any department and the conduct and deportment of its personnel. Such departmental standard operating procedures must not be inconsistent or in conflict with the provisions of any law, Township ordinance, or contract.

The standard operating procedures must be in writing, signed by the Department Head, and approved by the Township Committee. They shall be binding on all persons subject to the jurisdiction of the department. A written copy of the standard operating procedures will be distributed to the personnel of the department affected by them and will be posted in the department.

MAINTENANCE OF PERSONNEL RECORDS

The Municipal Clerk shall cause personnel records to be maintained for each Township employee. 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, leaves of any type taken, a record of the employee's training and other related matters, merit ratings, 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.

Personnel records are confidential and are available only to the employee, the Municipal Clerk and the employee's Department Head. Personnel records are available to other members of management, the Township's legal counsel, and members of the governing body on a need-to-know basis. Additionally, the Township 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 Township in the hiring process. Employees may not review the contents of other employees' personnel file.

Employees who want to review their personnel folder should request an appointment from the Municipal Clerk or his or her designee. Employees should provide the Township with at least one week 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 Municipal Clerk or his or her designee. Employees will not be permitted to take personnel folders outside of the Personnel and Finance Department or remove any documents from the folder. The employee may have copies made of the file, or any portion thereof.

Employees may file a written response within five (5) working days of receipt of notification that their personnel file contains material the employee deems to be inaccurate or incomplete. The Township will retain the written response in the employee's personnel file.

RELEASE OF PERSONNEL INFORMATION

Employees should not, under any circumstances, provide another individual with information regarding a current or former Township employee. Any employee who receives a request for reference information should forward the request to the Municipal Clerk. Generally, unless otherwise required by law, the Township will only release employees' dates of employment, positions held and verify salary history.

The Township does not honor oral requests for employment references. All prospective employers must submit employment reference requests in writing.

A current or former employee may authorize the Township to release information in addition to dates of employment, salary history and positions held. Unless otherwise required by law, the Township will only release information in addition to dates of employment, salary history and positions held if the current or former Township employee completes the Authorization to Release Information form and provides a signed original to the Municipal Clerk.

AUTHORIZATION TO RELEASE INFORMATION

Name:

Social Security No.:

I, _____, authorize the Township of Lower Alloways Creek to release any and all information and documentation concerning me to a representative of _____ for the purpose of assisting _____ in determining my qualifications for employment. This information includes, but is not limited to [describe with particularity]:

I further authorize the Township of Lower Alloways Creek to answer fully and honestly any questions posed orally or in writing concerning me by any representative of _____.

In exchange for the Township of Lower Alloways Creek's full and honest disclosure of information and documentation, I hereby release the Township of Lower Alloways Creek from any and all claims I may have against the Township of Lower Alloways Creek or its agents for statements, information or documents the Township provides to _____ in response to its inquiries.

_____ _____

[Signature of Candidate] Date

OUTSIDE EMPLOYMENT

No Township employee shall undertake any employment or service, whether compensated or not, that will interfere with the performance of his/her official duties or which might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of his/her official duties.

Prior to commencing outside employment, the employee shall advise the Department Head and the Township Committee, in writing. The written advisement shall set forth, among other things, the name and address of the employer, telephone number, the hours to be worked, the nature of the work, whether the employee is eligible for workers' compensation; and must certify that the work will not adversely affect the employee's performance of his/her responsibilities to the Township. Employees should submit their written advisement of outside employment using the Outside Employment Advisement Form. A record of outside employment shall be maintained in the employee's personnel file.

Employees are cautioned to consider the demands that additional employment creates. Outside employment shall not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside employment does cause or contribute to any of these situations, such employment must be discontinued; and, if necessary, the employee may be subjected to disciplinary action.

All employees are expressly prohibited from engaging in any activity from which even an appearance of compromise of Township interest is possible. This prohibition includes performing any services on non-working time that are normally performed by Township staff, the unauthorized use of Township tools or equipment, and the unauthorized use of any confidential information that may not be generally available to the public. In addition, employees are not permitted to conduct any outside business during paid working time.

OUTSIDE EMPLOYMENT ADVISEMENT FORM

Name of Employee:_____

Employee I.D._____

I submit the outside employment advisement form to notify the Township that I

- ❑ currently hold outside employment (This box should only be checked for employment accepted prior to the date the Township adopted its current Outside Employment Policy);
- ❑ intend to accept outside employment effective on _____;
- ❑ intend to change my outside employment effective on _____.

Name of Outside Employer :_____

Address of Outside Employer:_____
_____

Telephone Number:_____

Name of Direct Supervisor:_____

Title:_____

Nature of Work:_____
_____
_____

Hours of Work:_____

Days of the Week of Work:_____

Total Number of Hours Worked Per Week:_____

I am ❑ eligible ❑ not eligible for workers' compensation if I am injured on my outside job.

I certify that my outside employment will not adversely affect my performance of my responsibilities for the Township.

_____

Employee Signature

PERFORMANCE EVALUATIONS

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

(1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement; and

(2) each employee receives advice from 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.

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

During performance reviews, Department Heads will consider, among others:

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

A Performance Review/Evaluation Report form will be used in reviewing and evaluating the job performance of employees on an annual basis. Department Heads will forward the Performance Review/Evaluation Report to the Municipal Clerk, where it will be filed in the employee’s personnel file.

PERFORMANCE EVALUATION FORM

Employee's Name: _____

Employee Identification No.: _____ Department: _____

Job Title: _____

Start Date: _____ Appraisal Date: _____

Appraisal Period From: _____ to _____

Overall Performance Rating: _____

Cite any documentation added to employee's file (e.g., commendations, counseling, discipline, etc.) Department Heads may list additional information under "Description of Performance" and "Areas for Development."

1. QUALITY OF WORK

Extent to which work produced meets quality requirements. Includes accuracy, thoroughness, and efficient use of resources.

Description of Performance:

_____
_____
_____
_____
_____
_____

❑ Exceptional--Continually and consistently demonstrates a degree of accuracy and thoroughness at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Distinguished–Performs and demonstrates accuracy and thoroughness at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Satisfactory--Meets requirements. Produces sufficient quality.

❑ Needs Improvement--Meets some but not all requirements. Quality is sometimes poor.

❑ Unsatisfactory--Far below requirements. Rarely produces quality work.

Areas for Development:	Action Recommended:

2. QUANTITY OF WORK

Volume of work regularly produced. Speed and consistency of output. This attribute concerns time spent on the job after reporting to work and should not reflect tardiness or absence.

Description of Performance:

_____
_____
_____
_____
_____
_____
_____

❑ Exceptional--Continually and consistently demonstrates the production of a volume of work at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Distinguished–Performs the production of a volume of work at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Satisfactory--Meets requirements. Produces adequate volume of work.

❑ Needs Improvement--Meets some but not all requirements. Sometimes does less than is required.

❑ Unsatisfactory--Far below requirements. Seldom produces enough work.

Areas for Development:	Action Recommended:

3. JOB SKILLS AND KNOWLEDGE

Skills and knowledge to perform job. Includes understanding of duties of job and related work, and amount of skill and knowledge possessed to carry out assignments and meet quality and quantity requirements. Takes into account training opportunities both formal and informal that were available, and the extent to which they were used by the employee.

Description of Performance:

- ❑ Exceptional--Continually and consistently demonstrates job skills and knowledge at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.
- ❑ Distinguished–Performs job skills and demonstrates job knowledge at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.
- ❑ Satisfactory--Meets requirements. Possesses knowledge and skill to perform at required level.
- ❑ Needs Improvement--Meets some but not all requirements. Knowledge and skill levels are marginal.
- ❑ Unsatisfactory--Far below requirements. Has very low level of knowledge and skill.

Areas for Development:	Action Recommended:

4. RESPONSIBILITY

Dependability. Amount of supervision required for employee to carry out instructions, meet schedules, and check and correct own work. This also includes punctuality (tardiness) and use of time after reporting to work (i.e., misuse of relief periods, telephone, lunch period, socializing). It does not include absence.

Description of Performance:

_____
_____
_____
_____
_____
_____
_____
_____

❑ Exceptional--Continually and consistently demonstrates dependability and independence at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Distinguished–Performs and demonstrates dependability and independence a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

❑ Satisfactory--Meets requirements. Needs close supervision on some non-routine tasks. Nearly always dependable.

❑ Needs Improvement--Meets some but not all requirements. Sometimes undependable. Occasionally requires close supervision.

❑ Unsatisfactory--Far below requirements. Needs very close supervision. Undependable.

Areas for Development:	Action Recommended:

5. ATTENDANCE

Attendance. Number of unscheduled absences, amount of sick leave used (specify number of days) and pattern of sick leave usage (detail specific problem). Effect that absences have on the employee's ability to complete his or her job responsibilities. (Note: This section should not consider absences that qualify for leave under the Family Medical Leave Act and/or the New Jersey Family Leave Act).

Description of Performance:

_____
_____
_____
_____
_____
_____
_____
_____

- ❑ Exceptional--Continually and consistently demonstrates attendance at a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.
- ❑ Distinguished--Performs and demonstrates attendance a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.
- ❑ Satisfactory--Meets requirements. Absenteeism rarely interferes with ability to perform job responsibilities.
- ❑ Needs Improvement--Meets some but not all requirements. Absenteeism sometimes interferes with ability to perform job responsibilities.
- ❑ Unsatisfactory--Far below requirements. Absenteeism interferes with ability to perform job responsibilities.

Areas for Development:	Action Recommended:

6. INTERACTION WITH EMPLOYEES

Interaction with employees. Ability to work well with supervisors, peers and subordinates. Treats all employees with respect. Accepts direction and constructive criticism. For supervisory employees, manages and motivates subordinate employees to perform to the best of their abilities.

Description of Performance:

_____
_____
_____
_____
_____
_____
_____
_____

- ❑ Exceptional--Continually and consistently demonstrates an ability to work with employees a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

- ❑ Distinguished--Performs and demonstrates an ability to work with employees a level above and beyond the requirements of the job description in such a manner as to indicate individual and independent commitment and initiative which inures to the benefit of the public and the Township.

- ❑ Satisfactory--Meets requirements. Ability to interact with employees rarely interferes with ability to perform job responsibilities.

- ❑ Needs Improvement--Meets some but not all requirements. Ability to interact with employees sometimes interferes with ability to perform job responsibilities.

- ❑ Unsatisfactory--Far below requirements. Ability to interact with employees interferes with ability to perform job responsibilities.

Areas for Development:	Action Recommended:

Prepared by:

_____
Signature

_____
Name (Print or Type)

_____
Title

_____ _____
Date Prepared Date Reviewed with Employee

I have had the opportunity to review this document and discuss its contents with my supervisor. My signature acknowledges that I have been informed of my Performance Evaluation, but does not necessarily indicate my agreement with my Performance Evaluation.

_____ _____
Employee's Signature Date

Employee Response: (Optional)

Reviewed by:

_____
Signature of Department Head or his or her Designee

_____
Name (Print or Type)

_____
Title

_____
Date

SECURITY

The Township makes every effort to provide for employees' safety and security while at work. The Township, however, does not accept responsibility for the protection of employees' personal property.

The Township maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, Township prohibits the possession, transfer, sale, or use of such materials on its premises. The Township requires the cooperation of all employees in administering this policy.

Desks, lockers, other storage devices, and Township vehicles may be provided for the convenience of employees but remain the sole property of the Township. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Township at any time, either with or without prior notice.

The Township may conduct video surveillance of workplace areas. Video monitoring may be used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence. Additionally, the Township may monitor employee telephone conversations and/or e-mails.

Security is everyone's responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee's responsibility to notify his or her Department Head immediately, who, in turn, will immediately notify the Municipal Clerk or his or her designee.

In the event a serious incident occurs, employees must report it to their Department Head promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a citizen or vendor while on the premises.

2. Any incident in which physical force is either used by or against an employee.

3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.

4. Any incident in which a serious unfavorable reaction from the public might be expected.

5. The loss of Township keys.

6. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees who notify their Department Head of an incident pursuant to this policy must complete an Incident Report form to document the incident. Incident Report forms should be completed immediately, but in no event more than one working day after the incident. The Department Head must forward the Incident Report form to the Municipal Clerk or his or her designee. Employees may obtain Incident Report forms from their Department Head or the Personnel and Finance Department.

INCIDENT REPORT
(PLEASE PRINT CLEARLY)

DATE OF INCIDENT:_____ TIME OF INCIDENT:_____

DATE OF REPORT:_____ TIME OF REPORT:_____

LOCATION OF INCIDENT:_____
_____

PERSONS INVOLVED:_____
_____
_____

DESCRIPTION OF EVENTS:_____
_____
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_____ _____
NAME SIGNATURE

SUPERVISOR'S COMMENTS:_____

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_____
_____

DATE OF REPORT:_____ TIME OF REPORT:_____

_____ _____
NAME SIGNATURE

REVIEWED BY:_____

DISPOSITION OR ACTION TAKEN (IF ANY):_____

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

DATE OF REPORT:_____ TIME OF REPORT:_____

_____ _____
NAME SIGNATURE

USE OF EMPLOYEE'S PERSONAL VEHICLES FOR TOWNSHIP BUSINESS

No use of a personal vehicle(s) for Township business shall be authorized or approved. Employee(s) who need a vehicle to conduct Township Business during their scheduled work shift or hours shall schedule the use of a Township vehicle which may be available at the Public Works Garage. Such scheduling of vehicle use must be made in advance, with the Employees supervisor and in certain cases such as educational course attendance, may require prior approval by the Township Committee

USE OF TOWNSHIP VEHICLES AND EQUIPMENT

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Township property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

All Township vehicles are to be used for official business only and vehicles may not be used for any personal use. Personal use of a Township vehicle shall be cause for disciplinary action up to and including termination of employment.

Only authorized personnel may be transported in Township vehicles. No family member or private citizens shall be transported in a municipal vehicle. An exception to this requirement will be the transport of persons in police vehicles in the line of duty as authorized by the Chief of Police or the designated Command Officer.

Employees must notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

In operating Township vehicles, employees must abide by the following:

- Assigned drivers are responsible for insuring that the vehicles are kept clean, in good operation condition and are serviced in accord with department maintenance schedules.

- 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 a Commercial Driver's License.

- Municipal vehicles may only be driven by the persons they are assigned to.

- Vehicles must be used in accordance with department procedures.

Reporting Abuse of Township Vehicles and Equipment

Employees must report the abuse of Township vehicles and equipment. To report the abuse of Township vehicles and/or equipment, the employee must contact his or her Department Head. The individuals reporting must identify themselves. The Department Head will log the complaint in writing, investigate and submit a formal report to the Municipal Clerk.

Vehicle Accident

An employee who is involved in an accident, who damages Township equipment, or who damages the equipment of other persons in the performance of his/her duties must immediately report the accident and/or damage to his/her Department Head and the local police, no matter how minor the accident, or whether it involves property, other vehicles or personal injury. An accident that results in injury to the employee must be brought to the attention of the Municipal Clerk or his or her designee to facilitate compliance with health and safety regulations.

The operator shall obtain all pertinent information pertaining to persons and vehicles involved in the accident, including:

- All drivers' names, addresses and drivers' license numbers.
- All passengers' names and addresses.
- All vehicle license plates numbers,
- Insurance policies, names and numbers.
- All witnesses' names and addresses.

The Department Head will oversee and/or assist the operator in completing a written report. The operator shall prepare and sign all report forms required by New Jersey Law. The completed accident report form shall then be submitted to the Personnel and Finance Department.

Tickets Issued to Township Employees

All tickets issued to Township employees while operating a Township vehicle must be reported to the Department Head and the Municipal Clerk.

All tickets issued to Township vehicles while being used by a Township employee shall be the responsibility of the employee using the vehicle at the time the ticket was given.

VEHICLES AND EQUIPMENT FUELING PROCEDURES

The following procedures are to be used when fueling equipment and vehicles at the Public Works facility. This procedure applies to all Township vehicles, first aid squad and fire company vehicles that fuel at the yard.

1. All equipment and vehicles shall be fueled on the concrete pad.

2. Vehicles and equipment shall be shut off while being fueled, and the fuel tank filling tube or cap should be close to the center of the fueling pad as possible.

3. The operator of the vehicle or equipment shall remain with that vehicle or equipment at all times while fueling is taking place.

4. Smoking is prohibited while fueling is taking place, or within twenty (20) feet of the fuel tanks.

5. All employees who refuel vehicles or equipment at the Township fuel pumps must become familiar with the safety mechanisms on the transfer system, and the materials available to contain spills. Department Heads are responsible for coordinating with the Superintendent of Public Works to ensure that their respective staff members are briefed by qualified Public Works personnel.

6. There is a triple safety mechanism on the gasoline (or diesel) transfer system. There is an automatic shutoff on the fueling nozzles. There is a shutoff lever on the pumps, and there is a shutoff button on the fuel tanks themselves.

7. Spills.

    a. Absorbent materials are available in a locker in the Municipal Garage. As indicated above, personnel refueling vehicles must be familiar with these materials.

    b. If a spill occurs, the individual operating the fuel pump should make every attempt to contain the spill, as necessary, using absorbent material is appropriate.

    c. Any spill which results in fuel running off of the concrete pad at the fueling station shall be reported immediately to the Superintendent of Public Works or Public Works Foreman. If a spill occurs after work hours, the police dispatcher will have a number at which the Superintendent of Public Works or the Public Works Foreman can be reached.

8. The Superintendent of Public Works shall be notified as quickly as possible should any difficulties be experienced with the fuel pumps of the fueling station in general.

USE OF MUNICIPAL PROPERTY

Employees are responsible for taking care of any equipment assigned to them. Supplies are to be properly used. Employees shall not remove, or in any way assist in the removal of supplies, materials, goods or equipment belonging to Township offices, unless such removal has been authorized by the Department Head. Employees are not to use equipment, supplies, postage, or other materials of the Township for personal use or appropriate them for use by any third party. Employees must not have personal or business mail or packages sent to them at work.

Unauthorized use or removal of municipal equipment and supplies may be cause for disciplinary action up to and including termination of employment.

TUITION REIMBURSEMENT

The Township may, at its sole discretion, pay a full-time employee's educational expenses where the particular education in question will enhance and is related to the employee's qualifications for performance of his/her position provided the Township budget permits such expenditures. To be eligible, employees must be employed by the Township for at least one year prior to the beginning of the course.

Application

Approval for reimbursement must be granted prior to enrollment for the employee to be eligible for reimbursement. The employee must apply in writing through and with the recommendation of their respective Department Head to the Township Committee for permission to become eligible for tuition reimbursement.

Tuition reimbursement is available only for classes relevant to the employee's job. The application for tuition reimbursement must describe the class, explain the relation between the class and the employee's job and the benefits the course will provide to enable the employee to better perform his or her job. The request should also identify the school, set forth the projected cost of the course(s), course times and whether the course time conflicts with the regularly scheduled work day.

The Township Committee will relay his or her decision to the employee through the appropriate Department Head.

Eligibility for Reimbursement

To be eligible for reimbursement, the Township Committee must approve in advance of the beginning of the course.

Employees who are approved for tuition reimbursement will be reimbursed upon satisfactory completion (passing grade of "C" or better) of the course work. Pass/fail courses require a grade of "pass." In addition to tuition reimbursement, reimbursable expenses include registration, books and publications, parking, mileage, or other transportation, and meals and lodging if the program is away from the immediate area and an overnight stay is required and approved by the Township Committee prior to. Reimbursement will be made for only that portion of the course not paid for by any other agency source.

Employees who receive tuition reimbursement must remain in the Township's employ for at least two years following the completion of the course toward the certification. Employees who voluntarily separate their employment with the Township within the two-year period must reimburse the Township for the tuition costs.

The employee will make every effort to schedule courses at times other than regular work hours. Employees taking educational courses scheduled during regular working hours may, only if courses are not available off hours and with the Township Committee's approval, be excused from work with pay provided the courses taken are directly related to the employee's job performance. Classes taken outside the normal workweek are taken on the employee's own time. The employee shall file a copy of all documents, including transcripts, relating to the completion of course work with the Municipal Clerk through the employee's Department Head.

Unionized Employees and employees with Individual agreements

Employees with Individual agreements and unionized employees shall only receive tuition reimbursement benefits in accordance with their applicable collective bargaining agreement.

CONFERENCES, SEMINARS, TRAINING AND CERTIFICATION COURSES

Full-time professional, technical, and supervisory employees who have worked for the Township for at least one year prior to the beginning of the course are encouraged to take advantage of seminars, conferences, training and development opportunities. This development includes exposure to current ideas in their fields or within their realm of responsibility, association with colleagues, and interaction with other elected and appointed officials from a variety of fields throughout the state. Conference, seminar and training attendance is viewed as an opportunity for growth and enhanced benefits for the Township.

Employees may attend conferences, seminars and training with prior approval of the Township Committee. Employees who want to attend a conference, seminar or training must submit a written request to the Municipal Clerk, who in turn will relay the request to the Township Committee. The request should include a brief description of the conference, seminar or training, the projected costs and the dates requested to be away from the work site. Approval will be subject to the discretion of the Township Committee based upon relevancy to the job and the availability of funds allocated for this purpose in the current budget. The Township Committee must approve in advance of the beginning of the course.

The Township provides tuition reimbursement for courses required to obtain job-related certifications. Employees who want to attend courses toward certification must submit a written request to the Municipal Clerk, who in turn, will relay the request to the Township Committee. The written request should include the name of the course, the certification at issue, the location and time of the course and whether attendance would require absence from work.

To be eligible for reimbursement, employees must successfully complete the course with a “C” grade or higher or “pass” if only a pass/fail designation is given for that course toward the certification. Employees who receive tuition reimbursement must remain in the Township’s employ for at least two years following the completion of the course toward the certification. Employees who voluntarily separate their employment with the Township within the two-year period must reimburse the Township for the tuition costs.

All registration payments for conferences and seminars will be paid directly by the Township to the vendor via the Township voucher system.

Conference, seminar and training attendance will be reviewed annually during the budget process. Employees must recognize that financial constraints may restrict attendance.

Township management, personnel, and other supervisory staff may be excused from their duties to attend conferences and seminars of their professional associations and other programs designed to enhance their ability to perform their duties for the Township. Absence related to conference or seminar attendance is considered approved if the employee obtained the approval of the Township Committee to attend the conference or seminar. If a conference or seminar does

not have budgetary approval, the Department Head may grant time off for conference or seminar attendance without pay.
All employees who attend conferences, seminars, training or courses toward certification must at all times remember that they represent the Township. Employees are expected at all times to conduct themselves respectfully and to attentively and enthusiastically participate in the program to maximize its benefit to themselves and the Township.

Licenses

The Township will pay for license fees only when the license is vested in the Township, but not vested in the individual.

Unionized Employees and employees with Individual agreements

Employees with Individual agreements and unionized employees shall receive reimbursement for conferences, seminars, training and certification courses only in accordance with their applicable collective bargaining agreement.

MILEAGE REIMBURSEMENT

The Township of Lower Alloways Creek prefers that its employees use Township vehicles for business use instead of their own vehicles. The Township recognizes, however, that a Township vehicle is not always available when needed and, in such situations, employees may be reimbursed for use of their personal vehicles if the following procedures are followed. Such reimbursement shall be considered full compensation for all risk and operating expenses.

For any business use, employees other than Public Works and Police are required to check with every department, in the following order, to see if a Township vehicle is available. Employees must first check for a car in his or her own department, and then check other departments for an available car. If a Township vehicle is not available, the employee shall be reimbursed only for mileage used while on Township business with prior approval.

To receive reimbursement for mileage and tolls, employees must submit a request for reimbursement on a Township Purchase Request form containing the following:

Date of travel;
Travel destination;
Reason for Township travel;
Number of miles traveled and tolls incurred on Township business; and
Verification of Mileage (i.e., Mapquest).

The request for reimbursement must be signed and dated by the employee and by the Department Head who pre-approved the reimbursement request. The employee must submit the request for reimbursement within ten business days of his or her return. Reimbursement payments will be made on a monthly basis.

The Township will reimburse employees for properly documented tolls and mileage at forty cents (0.40) per mile rate. This reimbursement shall be considered full compensation for all travel related items, including personal auto insurance, gas, vehicle maintenance, etc.

An employee using his/her privately owned vehicle for Township purposes assumes liability for his/her vehicle. All employees who desire to use their privately owned vehicle for Township business must sign a statement verifying that they have a current driver's license and vehicle liability insurance in at least the minimum amounts required by state law. The Township's insurance coverage <u>does not</u> apply, under any circumstances, to the operation of the employee's personal vehicle.

<u>Unionized Employees and employees with Individual agreements</u>

Employees with Individual agreements and unionized employees shall only receive mileage reimbursement in accordance with their applicable collective bargaining agreement.

WORKING APPAREL AND APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Township presents to customers and visitors.

Township employees must project a professional image. As a result, Township employees are required to present themselves in a neat, orderly, business-like manner and to dress appropriately for the work they perform. Where uniforms are required, they must be worn. Unless otherwise approved by the Township Committee Chair, casual attire, such as jeans, sweat pants, shorts, tank tops and T-shirts are not permitted. The failure to comply with this policy reflects adversely on the Township and will be regarded as improper conduct.

This policy incorporates, by reference, all references to uniform and dress contained in all Collective Bargaining Agreements in force between the Township and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct.

Employees are prohibited from wearing Township uniforms after official working hours except from coming to and returning home from work. Any violation of the above specified terms could result in disciplinary action.

EMPLOYEE PERSONAL DATA

It is the responsibility of each employee to notify the Chief Financial Officer and Municipal Clerk or his or her designee promptly, in writing, of any changes of vital information including but not limited to:

Name
Address
Telephone Number
Cellular Telephone Number
Marital Status
Dependent Children
Change in status for health care programs
Change of beneficiary on pension or life insurance policies
Change in tax status for tax withholding purposes
Change of information for Emergency Notification Card

Changes may be accomplished by completing and filing a Change in Vital Information Report form with the Personnel and Finance Department. Change in Vital Information Report forms are available in the Personnel and Finance Department. When necessary, the Personnel and Finance Department will provide the employee with additional proper forms to change beneficiary, income tax deductions, etc.

CHANGE IN VITAL INFORMATION REPORT

To: Chief Financial Officer and Municipal Clerk

From:_____ Department:_____

Indicate the Change You Are Reporting By Checking the Appropriate Line

____ Name
____ Address
____ Phone Number
____ Cellular Phone Number
____ Birth or Adoption of Child
____ Death of Covered Family Member
____ Marriage
____ Divorce
____ Child's Status as Dependent (for tax or insurance coverage benefits)
____ Change in status for health care programs
____ Change of beneficiary on pension or life insurance policies
____ Change in tax status for tax withholding purposes
____ Change of information for Emergency Notification Card
____ Other (explain below)

Please provide details relating to the change you have checked above, including the date of the change.

_____
_____
_____
_____
_____

I authorize these changes to be effective _____
Date

_____ _____
Employee's Signature Date

POSTING OF NOTICES

All notices regarding job/position openings, changes in policies and/or procedures, and any other information the Township deems of importance to Township employees will be posted at Town Hall and Municipal Garage.

All Township employees are responsible to check for notices and are deemed to have read them. Employees should address any questions regarding any posted notices to their Department Head.

EMERGENCY SERVICE VOLUNTEERS

Employees who are volunteer members of the Lower Alloways Creek Township Volunteer Fire Company or the Lower Alloways Creek Emergency Service should notify their immediate supervisor of their intent to serve in that capacity.

Employees who are volunteer members of the Lower Alloways Creek Township Volunteer Fire Company or the Lower Alloways Creek Emergency Service shall be excused from attendance during their regular working hours for fire or rescue squad emergencies, except during Township emergencies, and only for the duration of the fire or rescue squad emergency. Employees who receive a call during working hours or which will necessitate their absence during working hours shall notify their Department Head of the call, unless notification would impair the employee's ability to timely respond to the emergency. Work calls, meetings, clean-up details and training events do not qualify as an emergency.

Employees who respond to emergency calls during work hours are expected to return to their work stations as soon as possible after the emergency has been cleared. Employees who respond to emergency calls must, upon return to work, notify their Department Head of the nature of the emergency and the length of their absence.

Should the employee be operating a Township vehicle and/or not be in the vicinity of his/her personal vehicle at the time of an emergency call, he/she shall be permitted to respond to such calls in the Township vehicle. It is preferred that the employee use his/her personal vehicle when possible.

If more than one member of a department or office is a member of the above organizations, the Department Head or his or her designee may limit the response to insure that Township functions are not being unusually interrupted, unless the magnitude of the emergency requires all members of the above organizations. Employees working on an overtime basis for the Township will not be excused for fire fighting or rescue squad duties and should make necessary arrangements in advance so that other fire company or rescue squad members will be available. An employee shall not respond to a call if leaving the job site might cause a fellow employee to be endangered.

SMOKING

Smoking is prohibited in all vehicles and facilities owned, leased or otherwise operated by the Township of Lower Alloways Creek. Smoking is regarded as a poor health habit which detracts from performance and is often offensive to co-workers and/or citizens.

Employees who desire to smoke must remove themselves to designated areas outside of Township buildings.

Smoking shall not interfere with the employee's productivity. Non-exempt employees must use designated break times for smoking. All employees are expected to abide by this policy while at work. Failure to comply shall result in disciplinary action up to and including termination of employment.

ALCOHOL AND DRUG-FREE WORKPLACE

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

(1) It is a violation of Township policy for any employee to possess, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs or other substance on Township premises, in Township vehicles, or while on Township business.

(2) It is a violation of Township policy for anyone to report to work under the influence of alcohol or illegal drugs.

(3) It is a violation of Township policy for anyone to use prescription drugs illegally. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications.)

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

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

Employees Excluded from Policy

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

All drug testing of law enforcement applicants and employees shall be in accordance with the New Jersey Attorney General’s Law Enforcement Drug Testing Guidelines and the Salem County Prosecutor’s Office. All alcohol testing of law enforcement employees shall be in accordance with this policy.

Drug and Alcohol Testing

The Township adopts pre-employment drug testing, reasonable suspicion drug and alcohol testing, and post-accident drug and alcohol testing.

Drug testing will be conducted through split-sample urinalysis while alcohol testing will be conducted through breath or saliva screening. Testing will be conducted by an independent medical facility chosen by the Township.

An alcohol concentration of 0.08% or greater constitutes a positive alcohol screening test.

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

A. Pre-Employment Drug Testing

All job applicants extended a conditional offer of employment for a position with the Township will undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. The Township will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment drug test may initiate another inquiry with the Township after a period of no less than six months, but must present themselves drug-free. The Township will cover the cost of pre-employment drug testing.

B. Reasonable Suspicion Drug And Alcohol Testing

It shall be a condition of employment for all employees to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs. The Township will cover the cost of reasonable suspicion drug and/or alcohol testing

C. Post Accident Alcohol and Drug Testing

It shall be a condition of employment for all employees to submit to alcohol and/or drug testing when an employee is involved in an on-the-job accident where personal injury or damage to Township property occurs. The Township will cover the cost of post accident drug and/or alcohol testing.

Refusal to Test

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

Prescription Drugs

If an employee takes an over-the-counter medication or a prescribed drug, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform his or her job, the employee must inform his or her Department Head.

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

Right to Inspect

The Township reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on or in any and all Township premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by a Township representative shall result in termination of employment.

Rehabilitation

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Township. Therefore, the Township strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Department Head or any other management representative with whom the employee feels comfortable.

The Township recognizes the health implications of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the Township's primary objective is to assist in the employee's rehabilitation. The Township designed this policy to encourage employees to voluntarily seek help for any substance abuse problems.

An employee may voluntarily admit to the Township, through his or her Department Head or any other supervisory employee with whom the employee feels comfortable, that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the Township will provide the employee with information on where he or she may seek counseling and the individual will immediately enroll himself or herself in a rehabilitation program. The costs of counseling may be covered by the employee's medical insurance. If not, the cost of the outside services is the employee's responsibility.

An unpaid leave of absence will be granted for a reasonable period for treatment. The Township will make every effort to hold the employee's position during the rehabilitation process. The Township will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem unless that employee refuses to enroll in and complete a rehabilitation program. Employees who voluntarily enter rehabilitation on more than one occasion, however, shall be subject to disciplinary action up to and including immediate termination. It is a condition of employment for employees to submit to alcohol and/or drug testing as part of a follow-up program for treatment for drug and/or alcohol abuse. The Township does not cover the cost of follow-up alcohol or drug testing.

It is crucial to note that the accommodations in this section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to the Township only after there has been (1) a positive alcohol or drug test, (2) a violation of a Township policy, rule or standard, (3) a violation of law, or (4) a violation of this policy, the Township will not consider the employee to have voluntarily come forward.

As a condition of employment, employees must abide by the terms of this policy and must notify the Municipal Clerk in writing of any conviction of a violation of a criminal drug statute occurring in the work place no later than five calendar days after the conviction.

Township of Lower Alloways Creek
DRUG AND ALCOHOL POLICY FOR
SAFETY SENSITIVE AND TOWNSHIP EMPLOYEES

EFFECTIVE DATE: December 2012

REVISED:

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I. POLICY STATEMENT

The Township Committee of the Township of Lower Alloways Creek does hereby endorse the Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by the Department of Transportation (DOT), Federal Transit Administration (FTA) and the Federal Motor Coach Safety Administration. The Township of Lower Alloways Creek employees who perform safety sensitive transportation functions, or supervise personnel in safety sensitive transportation functions shall be subject to policies and procedures in accordance with Department of Transportation,49CFR Part 40 Procedures for Transportation Workplace Drug Testing Programs and 49 CFR Part 655 Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations and 49 CFR

Part 382 Controlled Substances and Alcohol Use and Testing for FMCSA safety-sensitive employees.

In an effort to comply with laws, rules and regulations promulgated by Federal Agencies with the authority to do so, as well as to protect affected employees performing work in safety sensitive positions, the Township Committee for the Township of Lower Alloways Creek hereby adopts these regulations on ***December 18, 2012***, as set forth in the Township of Alloways Creek Drug and Alcohol Policy thereby establishing programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or prohibited drugs used by safety-sensitive employees as defined in 49CFR Part 40 and Part 655 and 49 CFR Part 382 Controlled Substances and Alcohol Use and Testing.

II. PURPOSE

The Township of Lower Alloways Creek is committed to providing a safe work environment and to foster the well-being and health of its employees. That commitment is jeopardized when any Township employee improperly consumes alcohol or illegally uses drugs on the job, comes to work under the influence, or possesses, distributes or sells alcohol or drugs in the workplace. By virtue of its daily operations and in pursuit of its quality objectives, the Township of Lower Alloways Creek recognizes the need to take steps necessary to provide a safe and efficient operating and working environment. Drug and alcohol use adversely impacts our goal of maintaining a safe and efficient operating and working environment, and greatly threatens quality, as abuse adversely affects productivity and impairs judgment. Unimpaired judgment is critical, since decisions affect not only our own business, but also the safety of our employees, customers, and third parties.

Additionally, separate from any DOT, FTA or FMCSA requirements, under the independent authorization of the Township of Lower Alloways Creek, the employees and agents of the Township of Lower Alloways Creek are strictly prohibited and it shall be deemed a violation of the Township policy for any employee to:

(1) Process, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs or other substances on Township premises, in Township vehicles, or while on Township business
(2) Engaging in the unlawful manufacture, distribution, dispensation, possession, sale or use of a prohibited drugs in the workplace
(3) Report to work under the influence of alcohol or illegal drugs
(4) Use prescription drugs illegally. (Nothing this policy, however, precludes the appropriate use of legally prescribed medication.)
(5) Violations of this policy are subject to disciplinary action up to and including termination.

Participation in the prohibited drug and alcohol-testing program is a requirement of each safety-sensitive employee and, therefore, is a condition of employment.

The Township of Lower Alloways Creek will strictly adhere to all standards of confidentiality and assures all employees that testing records and results will be released only to those authorized by FTA rules to receive such information.

All testing under the FTA requirements are conducted in accordance with 49 CFR Part 40: Procedures For Transportation Workplace Drug and Alcohol Testing Programs.

***A copy of the DOT rule 49CFR Part 4, 655 and 382 are located at the Township of Lower Alloways Creek Municipal Clerk's Office.**

In adopting this policy, the Township of Lower Alloways Creek does not otherwise waive its right to enforce already established rules, policies, programs, or the terms and provision of any applicable collective bargaining agreement governing drug and alcohol use possession that are consistent with this policy.

Accordingly, the Township of Lower Alloways Creek has developed the following drug and alcohol policy.

III. ADMINISTRATION RESPONSIBILITIES

To address questions relevant to the anti-drug and alcohol misuse prevention program safety sensitive employees and
supervisors shall contact program administrators as follows:

A. Third Party Administrator ("TPA") on behalf of the Township of Lower Alloways Creek

B. The Township of Lower Alloways Creek's Designated Employer Representative ("DER").

A. Third Party Administrator ("TPA") and the Township of Lower Alloways Creek **DER information is listed on Appendix "A" of this Document.**

IV. DEFINITION OF TERMS

The terms listed are consistent with the requirements of 40 CFR Parts 40, 655 382 and have the following meaning:

Accident—FTA an occurrence associated with the operation of a vehicle is as a result:

1) An individual dies; or
2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
3) with respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle; or
4) With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus or vessel, the mass transit vehicle is removed from operation.

Accident for FMCSA safety-sensitive employees includes—Who receives a citation within 8 hours of occurrence under State or Local law for a moving traffic violation arising from the accident, if the accident

involved:

Adulterated Specimen--a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol--the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use--the consumption of any beverage, mixture, food or preparation, including any medication containing alcohol.

Alcohol Concentration --expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.

Breath Alcohol Technician (BAT)--an individual who instructs and assists individuals in the alcohol testing process and operates an Evidential Breath Testing Device (EBT)

Canceled Test--is a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A canceled test is neither positive nor negative.

Custody and Control Form --the procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is sent to the laboratory for testing thereby destroyed after results have been determined.

Collection Site--a place where safety sensitive employees present themselves for the purpose of providing a urine specimen for a drug test.

Covered Employee—-a person, including an applicant or transferee who performs or will perform a safety-sensitive function for THE TOWNSHIP OF LOWER ALLOWAYS CREEK is subject to this policy.

Designated Employer Representative (DER)--an in-house designated employee representative who coordinates the substance abuse process for the Township of Lower Alloways Creek. The DER's responsibility is to be familiar with all aspects of the Township of Lower Alloways Creek's substance abuse policy. In addition, the DER is trained regarding policy, and in accordance with the provisions of 49 CFR Part 655.14., and employee authorized by THE TOWNSHIP OF LOWER ALLOWAYS CREEK to take immediate action(s) to remove employees from safety-sensitive duties or cause employees to be removed from these covered duties and to make required decisions in the testing and evaluation processes. Designated employer representative (DER) for FMCSA is an individual identified by the employer as able to receive communications and test results from service agents and who is

authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company. Service agents cannot serve as DERs.

Department of Health and Humans Services (DHHS)--the Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Department of Transportation (DOT)—-Department within the Federal Government that administers regulations requiring drug and alcohol testing which includes the Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, Federal Aviation
Administration, US Coast Guard, Pipeline and Hazardous Material Safety Administration.

Dilute specimen--a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Employee--an individual who performs a safety sensitive function or holds a safety sensitive position.

Evidential Breath Testing Device (EBT)--an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 concentrations, and placed on NHTSA's "Conforming Products List" (CPL) of Evidential Breath Measurement."

FTA--Federal Transit Administration, an agency of the U.S. Department of Transportation responsible for the administration of transit related programs and funds.

Medical Review Officer (MRO)--a licensed physician responsible for receiving, interpreting, evaluation and reporting drug-testing results.

Negative Dilute--a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test--a drug test with a result verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol test result with a concentration of less than 0.02 BAC is a
negative test result.

Non-negative test result--a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

Positive Drug Test--a drug test result with a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as

amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

PROHIBITED SUBSTANCES--the consumption of the following drugs and drug metabolites at all times: Marijuana, Cocaine, Opiates, Amphetamines and Phencyclidine (PCP) at levels above the minimum thresholds. The consumption of any alcoholic substance, beverage, or mixture, including any medication containing alcohol within four (4) hours prior to performing a safety-sensitive duty, while on-call to perform a safety-sensitive duty, while performing a safety sensitive duty or within eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. Alcohol testing for random and reasonable suspicion is only permissible just before and employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

Safety Sensitive Function -- means any of the following duties:

1) Operating a revenue service vehicle, including when not in revenue service;
2) Controlling dispatch or movement of a revenue service vehicle;
3) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service;
4) Examples of employees include: Bus Driver, Motorman, Yard Driver, Dispatcher, Starter, Mechanic, and Wheelchair lift repairman and Drivers of vehicles carrying over 15 persons.

Safety Sensitive Function--FMCSA means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2) All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3) All time spent at the driving controls of a commercial motor vehicle in operation;
4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of §393.76 of this subchapter);
(5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
(6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Split Specimen Bottle B--a part of the urine specimen that is sent to a first laboratory and retained un-opened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen.

Substance Abuse Professional (SAP)--a licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, marriage counselor or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen--A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Third Party Administrator (TPA)--a "Service Agent" that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. The TPA performs administrative tasks concerning the operation of the drug and alcohol testing program, adheres to generally accepted standards for administrative services, testing, training, medical review, confidentiality and business ethics and assures that programs are operated in compliance with DOT/FTA, any state or federal regulations, as well as company policies.

Validity testing--evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Vehicle--means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A mass transit vehicle is a vehicle used for mass transportation or ancillary services.

Verified Negative Test--a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (DHHS).

Verified positive test--a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels.

Volunteer-A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity

III SCOPE

A. COVERED EMPLOYEES

Covered Employees- This Policy is applicable to all the Township of Lower Alloways full and part-time safety-sensitive employees subject to Drug and Alcohol testing under this policy. Additionally, all full and part-time employees of any company or organization who perform safety-sensitive functions on behalf of or under contract with the Township of Lower Alloways are subject to drug and alcohol testing under this policy. Currently the FTA FMCSA has defined safety-sensitive job function to mean any of the following duties, when performed by employees of recipients, sub-recipients, operators, or contractors:

1) Operating a revenue service vehicle, including when not in revenue service;
2) Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver’s License;
3) Controlling dispatch or movement of a revenue service vehicle:
4) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.
5) Carrying a firearm for security purposes.
6) Driver for FMCSA

In addition to the above and in keeping with the U.S. Department of Transportation requirements, the Township has adopted testing practices for applicants for positions that require a Commercial Drivers license ("CDL") and for employees holding Commercial Drivers Licenses ("CDL") to

identify persons who improperly consume alcohol or use illegal drugs either on or off the job. All applicants for positions that require a CDL license and all employees whose job requires them to possess a CDL license shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, they are covered by the Township’s Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver’s License. Employees hired with the understanding they must obtain a CDL license will be covered under this Alcohol and Drug-Free Workplace Policy until they obtain their CDL license.

The Township of Lower Alloways Creek has reviewed all the actual duties performed by employees to determine who performs safety-sensitive functions, and has determined the below listed job titles as performing safety-sensitive duties:

Safety-Sensitive Jobs

1. Senior & Disabled Van Driver

2. Senior & Disabled Van Driver Mechanic

Supervisors are subject to the provisions of this policy only if they perform, or have the opportunity to perform a safety-sensitive function.

The Township of Lower Alloways Creek does not utilize volunteers to provide Safety-Sensitive duties.

All drug testing of Police Officer and law enforcement applicants and employees shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Guidelines and the Salem County Prosecutors Office. All alcohol testing of law enforcement employees shall be in accordance with this policy

B. PROHIBITED DRUGS

Federal requirements provide authorization for testing only five drugs. Procedures used to test for the presence of
drugs are in accordance with 49CFR Part 40 and Parts 655, and 382 which requires testing of urine specimens for five

types of drugs or their metabolites; marijuana, cocaine, opiates, phencyclidine, and amphetamines.

Time of Testing While on Duty

Covered employees are subject to testing for five prohibited drugs at anytime while on duty.

C. PRESCRIPTION MEDICATION

Additionally, separate from any DOT and FTA and FMCSA requirements, under the independent authorization of the Township of Lower Alloways Creek if an employee takes an over-the-counter medication or a prescribed drug, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform his or her job, the employee must be inform his or her Department Head.

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

Safety sensitive employees, are prohibited from using any prescription drug which might impair the employee's ability to perform work, he/she must inform the Department Head about this possible effect. Before commencing work, the employee must also provide the Department Head with the name of the prescription and a doctor's authorization to work. All such information provided to the Township of Lower Alloways Creek will remain confidential.

Consistent with federal law, use of another person's prescription medication shall be considered unauthorized use of medication. It is also considered a violation of
this policy if there is clinical evidence that an employee is abusing a legitimately prescribed drug.

In addition, if a drug can only be obtained by prescription in the U.S., it is a violation of this policy for an employee to obtain that drug from a foreign county where no prescription is required and use it while working, unless there is a verifiable, legitimated medical explanation.
Failure or refusal by an employee to properly inform the DER or to produce acceptable medical documentation, upon request, may be subject to disciplinary action outlined in Section III, G. of this policy.

D. Right to Inspect

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of
Lower Alloways Creek based upon reasonable suspicion that an employee is violating this policy, the Township of
Lower Alloways Creek has the right to inspect, investigate, and search for control substance any time, with or without prior notice, on or at any and all Township premises and vehicles. The Township requires the employee to submit to a search of clothing, locker, lunch box, bag(s), purse, briefcase, desk, file cabinet(s) and/or vehicle. The Township of Lower Alloways Creek reserves the right to inspect, investigate, and search for drug and/or legal substances such as alcohol at any time, with or without prior notice, on or in any and all the Township of
Lower Alloways Creek premises.

Employees will be required to sign a consent form prior to the search, if an employee refuses to sign the consent form
and refuses to submit to the search, he/she will be subject to disciplinary action outlined in Section III, G. of this policy.

Refusal to cooperate with any inspection, investigation, or search that is authorized by a Township representative shall result in termination of employment.

E. Rehabilitation

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while

sending a clear message to the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Township. There were, the Township strongly encourages an employee with a drug/alcohol abuse problem to voluntarily to step forward to tell the Department Head or any other management representative with whom the employee feels comfortable. The Township recognizes the health implication of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the Township's primary objective is to assist in the employee's rehabilitation. The Township designed this policy to encourage employees to voluntarily seek help for any substance abuse problems.

An employee may voluntarily admit to the Township, through his or her Department Head or any other supervisory employee with whom the employee feels comfortable, that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the Township will provide the employee with information on where he or she may seek counseling and the individual will immediately enroll himself or herself in a rehabilitation program. The cost of counseling may be covered by the employee's medical insurance. If not, the cost of the outside services is the employee's responsibility.

An unpaid leave of absence will be granted for reasonable period for treatment. The Township will make every effort to hold the employees position during the rehabilitation process.

The Township will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem unless that employee refuses to enroll in and complete a rehabilitation program. Employees who voluntarily enter rehabilitation on more than one occasion, however, shall be subject to disciplinary action
up to and including immediate termination. It is a condition of employment for employees to submit to alcohol and/or drug testing as part of a follow-up program for treatment for drug and/or alcohol abuse. The Township does not cover the cost of follow-up alcohol or drug testing.

It is crucial to note that the accommodations in this section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to the Township only after there has been (1) a positive alcohol or drug test, (2) a violation of the Township policy, rule or standard, (3) a violation of law, or (4) a violation of this policy, the Township will not consider the employee to have voluntarily come forward.

D. REFUSAL TO SUBMIT TO TESTING FOR ALCOHOL AND/OR DRUG

In accordance with 40 CFR Part 655 and 382, the following are considered a refusal to test if the employee:

1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
2) Fails to remain at the testing site until the testing process is complete;

3) Fails to provide a urine specimen or adequate amount of breath for any drug or alcohol test required by 49 CFR Part 40 or DOT agency regulations;
4) In the case of a directly observed or monitored collection in a drug test, fails to permit the
observation or monitoring of your provision of a specimen;
5) For an observed collection fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn
around to permit the observer to determine if you have any type of prosthetic or other device that could be use to interfere with the collection process;
6) Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
7) Admitting to the collector or MRO that you adulterated or substituted the specimen;

8) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
9) Fails or declines to take a second test the employer or collector has directed you to take;
10) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "Shy Bladder" or "Shy Lung" procedures;
11) Fails to sign the certification at Step 2 of the Alcohol Test Form;
12) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so
directed by the collector, behave in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector).
13) If the MRO reports that you have a verified adulterated or substituted test result that test is considered a refusal to test.

Any covered employee who refuses to submit to a drug or alcohol test will be immediately removed from performing
any safety-sensitive function and in accordance with 49 CFR, Part 40, and Subpart O are referred to the Township of Lower Alloways Creek's SAP.

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

E. <u>FAIL A DRUG ABUSE TEST (TEST POSITIVE)</u>

If the confirmation test result shows positive evidence for the presence, under, 49 CFR Part 40 procedures, of a

prohibited drug the employee shall be contacted by the MRO.
Any covered employee who fails a drug test will be immediately removed from

performing safety-sensitive
function and in accordance with 49 CFR, Part 40, and Subpart O are referred to the Township of Lower Alloways Creek's SAP.

Medical Review Officer (MRO) Responsibility

The designated MRO shall have no connection/conflict with the subcontractor performing the laboratory testing and analysis. The MRO shall be knowledgeable in controlled substance abuse, will have received qualification training in accordance with 49 CFR Part 40.12 and the MRO review process will be followed in accordance with 49 CFR Part 40.

a. If the MRO reports that an employee tested positive for prohibited drugs, that employee will be immediately removed from safety sensitive functions and in accordance with 49 CFR, Part 40, and Subpart O are referred to the Township of Lower Alloways Creek's SAP.

b. If the MRO reports that a negative drug test was dilute the Township of Lower Alloways Creek will direct the employee to take another test immediately. Such recollections will not be collected under direct observation, unless there is another basis for use of direct observation.

Referral to a Substance Abuse Professional (SAP) Role

Employees or applicants who have a verified positive drug test result, an alcohol concentration of 0.04 or greater, or who refuse to submit to a drug or alcohol test will in accordance with 49 CFR, Part 40, and Subpart O be referred to the Township of Lower Alloways Creek's SAP.

F. PASS (TEST NEGATIVE)/FAIL (TEST POSITIVE) AN ALCOHOL TEST

In the event of a Breath Alcohol (BrAc) concentration result of 0.02 or greater the BAT will direct the employee to take a confirmation test. The BAT will ensure that the

waiting period lasts at least 15 minutes, but not more than 30 minutes after the completion of the first screening test. If the alcohol confirmation test is lower than 0.02, nothing further is required of the employee. If the alcohol confirmation test result is above 0.02 and below 0.04 the employee will be removed from safety-sensitive functions.

If the alcohol confirmation test result is 0.04 or greater it is a positive test. The employee will be immediately
removed from safety-sensitive function and will be referred to a SAP.

G. DISCIPLINARY ACTION AS A RESULT OF A POSITIVE TEST

DISCIPLINARY PROCESS

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, if the results of a alcohol and/or prohibited drug screen are positive, the employee will be subject to discipline, up to and including discharge: and/or requested to undergo rehabilitation until such time as he/she is declared fit to return to work by the rehabilitation center. The circumstances leading to the positive result will be taken into consideration in determining the disciplinary action. An employee who refuses to undergo rehabilitation or does not follow the recommendations of the rehabilitation program may be subject to discharge.

If returning to work, the employee will be subject to either DOT or Non-DOT follow-up testing, depending on the circumstance leading to the removal from service.

In the event of a positive alcohol test, regardless of alcohol level or refusal to test, the DER will transport the employee to his/her residence.

ALCOHOL PENALTIES--in accordance with the provisions under the Township of Lower Alloways Creek's authority as employer the following penalties shall apply:

(1) Positive Test at 0.040 or Greater. Violations of this policy are subject to disciplinary action up to and including discharge.

Refusal of Alcohol Testing--The penalty for refusing to submit to alcohol testing as required by this policy shall constitute a violation of the policy.

(2) Violations of this policy are subject to disciplinary action up to and including discharge.

Prohibited Drug PENALTIES-- in accordance with the provisions under the Township of Lower Alloways Creek's authority as employer the following penalties shall apply:

1) Individuals not yet employed—-All job applicants extended a conditional offer of employment for a position with the Township of

Lower Alloways will undergo testing for the presence of prohibited drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment.

2) Individuals employed-- When the Township of Lower Alloways Creek receives from the MRO a verified positive for drug use test result, the employee shall be immediately removed from safety sensitive functions and referred to the Township of Lower Alloways Creek's SAP for evaluation. He/she must comply with the SAP's assessment and referred treatment recommendations and monitoring and meet the return-to-duty test requirements of 49 CFR Part 40, Subpart O before the employee may be considered for reinstatement.

3) If any employee fails to return to work upon the prescribed time or refuses to comply with complete treatment, he/she shall be subject to disciplinary action.

4) The penalty for an employee refusing to submit to a prohibited drug test as required by this policy or who fails to comply with the recommended treatment plan shall be the same as a positive test result.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, the employee will be informed of resources available for counseling and treatment of persons with drug abuse problems.

If employee is returning to work it is a condition of employment for employees to submit to alcohol and/or drug testing as part of a return-to-duty or follow-up program.

I. PASS A SUBSTANCE ABUSE TEST (TEST NEGATIVE)

If the initial testing or confirmation testing, under 49 CFR Part 40 procedures, does not show evidence of the presence of a prohibited drug in the employee's or applicant's system, it will be classified as passing a drug abuse test or having tests rated as negative.

IV. QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

A. PROHIBITED CONDUCT

Periods of Required Compliance

All employees who perform safety-sensitive functions for the Township of Lower Alloways Creek either in a part time or full time capacity will be subject to the provisions of this policy for the entirety of their shift.

Alcohol Possession/Misuse--The following activities and/or actions are a violation of this policy:

1. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy for any covered employee to possess alcoholic beverages while on duty.

2. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy for any covered employee to work under the influence of alcohol, including rest and meal periods.

3. It is a violation of this policy for any covered employee to test positive for alcohol at or above a Breath Alcohol Level (BRAC) of 0.020L of breath.

4. It is a violation of this policy for any covered employee to consume alcohol for the four (4) hours before a scheduled work period.

5. It is a violation of this policy for any covered employee to consume alcohol for the eight (8) hours after an accident until a Breath Alcohol Test has been administrated.

6. It is a violation of this policy for any covered employee to consume alcohol while on call or stand by.

7. It is a violation of this policy for any employee to refuse to take any required alcohol test.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy for any covered employee to refuse to comply with any provision of this policy.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy if alcohol is found in through other legally sanctioned procedures (e.g., police department administered tests).

Prohibited Drug Possession--the following activities and/or actions are a violation of this policy:

1. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy for any covered employee to possess, sell, trade, offer for sale or engage in illegal use of prohibited drugs or product containing an illegal controlled substances. Employees who are convicted of offenses involving prohibited drugs in the workplace must inform the DER within five days of their conviction or plea. Failure to give this notice can be grounds for disciplinary action outlined in Section III, G. of this policy.
2. It is a violation of this policy for any covered employee to work under the influence of prohibited drugs.
3. Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, it is a violation of this policy for any covered employee to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications in employees name only).
4. It is a violation of this policy for any covered employee to test positive for prohibited drugs.
5. It is a violation of this policy for any covered employee to refuse to take any required drug test.
6. It is a violation of this policy for any covered employee to refuse to comply with any provision of this policy.
7. Additionally, separate from DOT and FTA it is a violation of this policy if a drug or metabolite of a drug is found in through other legally sanctioned procedures (e.g., police department administered test).

V. TEST REQUIRED

Testing For Presence of Alcohol

Breath alcohol testing will be conducted in accordance with the regulations specified in 49 CFR Part 40, Subparts J, K, L, M and N. Alcohol screening will be provided utilizing a National Highway Traffic Safety Association (NHTSA) conforming product list (CPL) Evidential Breath Testing (EBT) Device. The breath testing equipment will conform to

49 CFR § 40.229 the Township of Lower Alloways Creek will test covered employees for alcohol just before, during, or, just after performing a safety sensitive function.

Use of Alcohol

The consumption of any alcoholic substance, beverage, or mixture, including any medication containing alcohol is prohibited within four (4) hours prior to performing a safety-sensitive duty, while on-call to perform a safety-sensitive duty, while performing a safety sensitive duty or within eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first. Alcohol testing for random and reasonable suspicion is only permissible just before and employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

Under company policy the Township of Lower Alloways Creek considers an alcohol concentration of 0.04% or greater a positive alcohol screen for non-safety sensitive employees.

Life Consequences of Alcohol Misuse

The chronic consumption of alcohol (average of three servings per day of beer, whiskey, or wine) over time may result in the following life consequences;

Health: decreased sexual functioning, dependency on alcohol, fatal liver disease, increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma, kidney disease, pancreatitis, spontaneous abortion and neonatal mortality, ulcers, and birth defects.

Work: the effects of alcohol misuse on an individual's work include impairment in coordination and judgment, and increased likelihood of having an accident than that of a sober person.

Personal Life: the effects of alcohol misuse on an individual's personal life include increased exposure to committing homicides, vehicle accidents, family problems including separation and divorce, increased likelihood of

committing suicide, and greater exposure to other forms of accidents.

Signs and Symptoms: dulled mental processes, lack of coordination, odor of alcohol on breath, possible constricted pupils, sleepy or stuperous condition, slowed reaction rate, and slurred speech.

When an alcohol problem is suspected, the available methods of intervention include the availability of a crisis response/EAP offered by the Township of Lower Alloways Creek that addresses family problems as well as substance abuse.

A. EMPLOYEE ASSISTANCE PROGRAM (EAP)

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, any employee may voluntarily make use of the current EAP

provided through the Township of Lower Alloways Creek, for assistance with any personal problems including self-referral for drug and alcohol treatment. This shall be the same program that will be used to assist those affected employees under the alcohol misuse and drug use program. All information will be kept in strict confidence and the appropriate referral will be made to assist the employee.

The Township of Lower Alloways Creek does not make any representation as to insurance coverage for any treatment or rehabilitation program that may be recommended by the SAP or MRO.

Employees who enter rehabilitation voluntarily will be entitled to use their accumulated vacation-time and sick time balances if they so choose.

The Township of Lower Alloways Creek's, EAP provider information is listed on Appendix "A" of this Document.

B. PRE-EMPLOYMENT TESTING

The Township of Lower Alloways Creek will conduct pre-employment drug testing.

In accordance with 49CFR Part 40 each safety sensitive function applicant must consent in writing for the Township of Lower Alloways Creek to obtain the applicants drug and alcohol testing records from each previous DOT regulated employer of the applicant for a two year period preceding the date of application for employment with the Township of Lower Alloways Creek. If an applicant or transfer employee fails to consent, that person will not be hired into a safety sensitive function position. Should a previous employer indicate the applicant or transfer failed or refused a drug and/or alcohol test he/she must provide the Township of Lower Alloways Creek with proof of having successfully completed a referral, evaluation and treatment plan designed by a SAP.

All applicants for a safety-sensitive position will be notified at the time they complete a job application that they will be required to submit to a prohibited drug test if they are considered otherwise qualified for employment and that they must agree to abide to the terms and conditions of this policy if they are ultimately hire.

1. Prior to the first time that any potential employee performs a safety-sensitive function for the Township of Lower Alloways Creek, he or she shall be subject to a Pre-employment drug test with a verified negative result.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, those persons who undergo a pre-employment drug test in which the verified test results indicate positive use shall not be hired.

2) Current employees transferring from one position to another with the former not including a

safety-sensitive function shall undergo a pre-duty controlled substances test with a verified negative test result prior to beginning the safety sensitive function. If a positive result is reported he/she shall be subject to Section III G. of the policy.

3) All safety sensitive employees who have been for a period of 90 consecutive calendar days and removed from the random testing pool must successfully pass a pre-employment drug test prior to returning to work. An applicant, or transferred employee, who has not commenced, performing a safety sensitive function within 90 consecutive calendar days of the Township of Lower Alloways Creek's receipt of a negative test result for that individual, must successfully pass another pre- employment test before performing such safety sensitive function

Under the Township of Lower Alloways Creek policy all job applicants for non-safety sensitive positions will be extended a conditional offer of employment for a position with the Township and will undergo testing for the presence of illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. The Township will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment drug test may initiate another inquiry with the Township after a period of no less than six months, but must present themselves drug-free. The Township will cover the cost of pre-employment drug testing.

C. Post-Accident Controlled Substances Testing

Accident threshold definition located on page 5 of this policy.

1) Fatal Accidents--For safety sensitive employees employed by the Township of Lower Alloways Creek, as defined in Part 655.44 and 382.303 post accident drug and alcohol testing is mandatory following an accident involving the loss of human life on the surviving employees who were operating the mass transit vehicle, as well as any covered employee whose performance may have contributed to the accident, as determined by the Township of Lower Alloways using the best information available at the time of the decision.

2) Non-Fatal Accidents—-For safety sensitive employees employed by the Township of Lower Alloways Creek, as defined in Part 655.44 and 382. 303 post accident drug and alcohol testing is mandatory of all covered employees who were operating the mass transit vehicle, as well as any covered employee whose performance may have contributed to the accident, unless the Township of Lower Alloways Creek determines their performance can be completely discounted as a contributing factor using the best information available at the time of the decision.

3) In the event of an accident occurring as described

above, the employee shall be required to remain at the scene or readily available to undergo drug and alcohol testing. Drug and alcohol testing shall not delay necessary medical attention for the injured following an accident or prohibit a covered employee from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

4) Any employee subject to post-accident testing as required by this Section who leaves the scene of an accident before a drug and alcohol test is administered, or fails to remain readily available for testing for up to 32 hours, shall be deemed to have refused to submit to testing. Such a refusal shall be treated by the Township of Lower Alloways Creek in the same manner as if the employee had a positive drug and alcohol test result.

5) All drug and alcohol testing required by this Section shall be performed by the Township of Lower Alloways Creek's authorized agent within two (2) hours but no more than thirty-two (32) hours after the time of the accident. Additionally, if an alcohol test is not administered within two (2) hours following an accident the Township of Lower Alloways Creek shall prepare and maintain on file a record stating why. If an alcohol test is not conducted with eight (8) hours the Township of Lower Alloways Creek shall prepare and maintain on file a report explaining why a test was not conducted and shall cease attempts to administer an alcohol test. If a drug test is not administered within thirty-two (32) hours following an accident the Township of Lower Alloways Creek shall prepare and maintain on file a record stating why. The time of the accident shall be determined by the hour utilized on the Police Accident Report.

6) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, while awaiting the results of a post-accident screen the employee will be suspended with pay.

Under company policy it shall be a condition of employment for all employees to submit to alcohol and/or drug testing when an employee is involved in an on-the-job accident where personal injury or damage to Township property occurs. The Township will cover the cost of post-accident drug and/or alcohol testing.

Post accident testing that does not meet the FTA and FMCSA Post-accident threshold may take place. However, testing under this authority will be performed using a Non-DOT Custody and Custody form.

D. Random Controlled Substances Testing

Random drug and/or alcohol testing for covered employees will be conducted in accordance with the requirements of 49 CFR Part 655.45.

1) Random drug and/or alcohol testing shall be unannounced and unpredictable and spread reasonably throughout the calendar year, including holidays and days and hours during which safety-sensitive functions are performed.

2) Using a statistically valid method, a computer-based random number generator, the Township of Lower Alloways Creek's program administrator shall assure that a sufficient number of random drug and alcohol tests equal to the minimum percentage of the total number of covered employees is conducted each calendar year in accordance with 49 CFR Part 655.45 and 382.305. Each covered employee shall have an equal chance of being tested each time selections are made. These rates are subject to annual review and revision by the FTA Administrator. The Township of Lower Alloways Creek shall be responsible for the security of all random lists generated.

3) Safety sensitive employees may be randomly tested for alcohol misuse while performing safety sensitive functions, just before performing safety sensitive functions or, just after performing safety sensitive functions. All safety sensitive employees may be randomly tested for drugs anytime while on duty. Testing will be performed during all hours safety sensitive duties are performed.

4) When notified of a random test the employee must proceed immediately to the collection site. Immediately means that after notification, all the employee's actions must lead to an immediate specimen collection.

E. REASONABLE SUSPICION TESTING

All employees who supervise safety sensitive personnel affected by this policy shall undergo reasonable suspicion training in accordance with Part 655.14 in the signs and symptoms that are associated with drug or alcohol use.

1) An employee is required to submit to an alcohol and or drug test when a trained supervisor or other trained company official has reasonable suspicion, based on specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee, to believe that the employee has engaged in any of the behaviors prohibited by this policy concerning the use of alcohol and/ or drugs.

2) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, prior to conducting reasonable suspicion drug and/or alcohol testing, the DER must meet with the employee. At least two management representatives should be present. A management representative must explain to the employee that the Township of Lower Alloways Creek has determined that he or she is required to submit to reasonable suspicion drug and/or alcohol testing and share the completed Supervisor's Report of Reasonable Suspicion form with the employee. The purpose of the meeting is to provide the employee with an opportunity to provide an explanation for the behavior that provided the Township of Lower Alloways Creek with reasonable suspicion. the Township of Lower Alloways Creek's failure to conduct a meeting with the employee prior to mandating reasonable suspicion drug or alcohol testing, however, does not invalidate a positive test result. Reasonable suspicion testing must not be delayed and when practical, take place within 30 minutes from the time listed observations are made by a trained supervisor.

3) Alcohol testing shall be conducted no more than two (2) hours and within (8) hours after the reasonable suspicion determination has been made by the supervisor. Drug testing shall be conducted within thirty-two (32) hours after the reasonable suspicion determination has been made by the trained supervisor or other trained company official. In the event that as required by this section an alcohol test is not administered within eight (8) hours and a drug test is not administered within thirty-two(32) hours following the determination, the DER and the Township of Lower Alloways Creek shall cease attempts to administer a test and document the reason why the test did not take place.

4) Safety sensitive employees are subjected to reasonable suspicion testing for alcohol misuse while performing safety sensitive functions, just before performing safety sensitive functions or, just after performing safety sensitive functions. All safety sensitive employees are subjected to reasonable suspicion testing for drug and alcohol testing anytime while on duty.

5) It is the policy of the Township of Lower Alloways Creek to have a supervisor transport the employee to the appropriate collection site facility and wait for the completion of the collection procedure. The supervisor will then transport the employee back to the Township of Lower Alloways Creek property, where an individual of the employees' choice will be contacted to transport the employee to his/her residence. If the employee refuses to be transported and attempts to operate his/her personal vehicle the Township of Lower Alloways Creek will make appropriated efforts to discourage the employee from doing so, up to and including contacting the Police Department. Any employee failing to cooperate with this procedure will be subject to disciplinary action up; to and including termination from the company.

6) Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, while awaiting the results of a reasonable suspicion screen the employee will be suspended with pay.

Under the Township of Lower Alloways Creek's policy it shall be condition of employment for all employees to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs. The Township will cover the cost of reasonable suspicion drug and/or alcohol testing.

F. RETURN TO DUTY TESTING

Where as a safety sensitive employee refuses to submit to a test, has a verified positive drug test, and/or confirmed

alcohol test result of 0.04 or greater, the Township of Lower Alloways Creek before returning the employee to a safety sensitive position will follow the procedures outlined in 49 CFR Part 40.

1) Prior to returning to a safety sensitive function, any safety sensitive employee who was determined to have engaged in prohibited drug and/or alcohol misuse –in violations of the Federal Regulations shall undergo a return-to-duty controlled substance and/or alcohol test and will be allowed to return only with a verified negative test result.

All such drug tests will be conducted under directly observed circumstances.

G. FOLLOW-UP TESTING (AFTER RETURNING TO DUTY)

THE TOWNSHIP OF LOWER ALLOWAYS CREEK will conduct follow-up testing of each employee who returns to duty, as specified in 49 CFR Part 40.

1) Any covered employee who has required a referral, evaluation, and/or treatment by a SAP for prohibited drug use and/or alcohol misuse shall be subject to unannounced follow-up testing plan as directed by the SAP.

2) Follow-up testing for alcohol as required by this Section shall be performed just before, during, or immediate after the employee is performing safety sensitive duties.

3) In no case shall said drug and/or alcohol testing occur less than six (6) times in the first 12 months following the covered

employee's return to duty nor shall testing extend more than 5 years from the time he or she returned to duty.

All such drug tests will be conducted under directly observed circumstances.

H. Company-mandated Testing Circumstances

Additionally, drug and alcohol testing may take place under the independent authorization of the Township of Lower Alloways Creek, Township Committee and will be conducted in accordance with the applicable provisions of the Township of Lower Alloways Creek's Drug & Alcohol Policy.
However, testing under this Authority of the Township of Lower Alloways Creek will be performed using Non-DOT Custody and Custody form

VI. DRUG AND ALCOHOL TESTING PROCEDURES

A. COMPLIANCE WITH TESTING PROCEDURES

All drug and alcohol testing procedures in 49 CFR Part 40 applies to all safety sensitive employees of the Township of Lower Alloways Creek engaged in the performance of safety-sensitive functions for the Township of Lower Alloways Creek. This document is available for review at:

THE TOWNSHIP OF LOWER ALLOWAYS CREEK
Clerk's Office
LAC Municipal Building
501 Locust Island Road
Hancocks Bridge, NJ 08038
856-935-1549

B. BREATH ALCOHOL TECHNICIAN (BAT)

The BAT will perform the functions, and meet all the requirements outlined in 49 CFR Part 40. The Township of Lower Alloways Creek has a formal agreement with an Occupational Health Center to perform BAT services listed on **Appendix "A"** of this document.

***BAT Collection Certification Documentation is maintained on file at the office of the Township of Lower Alloways Creek's Third Party Administrator.**

C. SUBSTANCE ABUSE PROFESSIONAL (SAP)

The SAP will perform the functions and meet all the requirements outlined in 49 CFR Part 40. the Township of Lower Alloways Creek has a formal agreement with the individual to perform SAP services listed on **Appendix "A"** of this document.

***SAP Certification Documentation is maintained on file at the office of the Township of Lower Alloways Creek's Third Party Administrator.**

D. MEDICAL REVIEW OFFICER (MRO)

The MRO will perform the functions and meet all the requirements outlined in 49 CFR Part 40. The Township of Lower Alloways Creek has a formal agreement with the individual to perform MRO

services listed on **Appendix "A"** of this document.

***MRO Certification Documentation is maintained on file at the office of the Township of Lower Alloways Creek's Third Party Administrator.**

E. COLLECTION SITE

The Township of Lower Alloways Creek has a formal agreement with an Occupational Health Center to perform collection services listed on Appendix "A" of this document to provide a clean and compliant location staffed with trained collection site personnel, for the collection of urine to be drug tested in accordance with 49 CFR Part 40.

1) All collections performed in accordance with 49 CFR Part 40 drug-testing regulations will be split specimen collections.

***Urine Collection Certification Documentation is maintained on file at the office of the Township of Lower Alloways Creek's Third Party Administrator.**

F. TESTING LABORATORY

In accordance with 49 CFR Part 40 all laboratories testing of urine specimens for prohibited drugs will be performed through a laboratory certified by the Department of Health and Human Services (DHHS). The Township of Lower Alloways Creek has a formal agreement with a primary and secondary laboratory to perform drug screen analysis services as

listed on **Appendix "A"** of this document.

VII. ADMINISTRATIVE REQUIREMENTS

All safety sensitive employees of the Township of Lower Alloways Creek will receive a copy of this policy and shall be required to sign and date a receipt for it.

A. EMPLOYEE EDUCATION AND TRAINING

In accordance with 49 CFR Part 655 and 382 the Township of Lower Alloways Creek will conduct a comprehensive two part-training program for employees as described below:

1) The education component shall include display and distribution to every covered employee of: informational material and a community service hot-line telephone number for employee assistance.

2) Safety sensitive employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate

prohibited drug use.

Additionally, periodically, employees receive information and training which explain the implications of workplace substance abuse and review the Township of Lower Alloways Creek's policy regarding drugs and alcohol, including availability of counseling and the company EAP.

B. Supervisor Reasonable Suspicion Training

1) The DER, supervisors and other company officials authorized by the Township of Lower Alloways Creek to make reasonable suspicion determinations shall receive a minimum of 60 minutes training on the physical, behavioral, and performance indicators of probable drug use and a minimum of 60 minutes training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

C. CONFIDENTIALITY AND RETENTION OF RECORDS

The Township of Lower Alloways Creek will maintain all drug and alcohol testing records in accordance with 49 CFR Part 40, Subpart P.

Additionally, separate from any DOT and FTA requirements, under the independent authorization of the Township of Lower Alloways Creek, wants to work with and not against employees with drug and/or alcohol problems. Providing confidentiality regarding the problem, any test results, and any disciplinary actions are important parts of company-provided support.

When the employee voluntarily seeks help, he/she can do so confidentially and without fear of reprisal by contacting DER resources, which will not disclose the employee's problem to anyone. The employee's supervisor will be told only that the employee is on medical leave of absence (without disclosing the problem being treated).

When test results are positive—all test results, positive or negative, will be held in strictest confidence. The TPA will communicate test results orally and in writing only to the DER. The Human Resources manager, the DER, and the Township of Lower Alloways Creek's legal counsel will be the only persons with access to test results.

If a test result is positive, the employee's manager will be informed only that the employee has violated a company policy, with resulting disciplinary consequences. In response to questions by third parties (including coworkers), management and DER's will state nothing other than that the employee has violated company policy, without mentioning the specific policy.

D. ACCESS TO FACILITIES AND RECORDS

The Township of Lower Alloways Creek in accordance with 49 CFR Part 40 Subpart P, will provide limited access and release of drug and alcohol testing records. In accordance with 49 CFR Part 655.73 the Township of Lower Alloways Creek grants access to facilities and records to the appropriate Transit representative for the purpose of determining compliance with FTA drug and alcohol testing regulations.

APPENDIX A

A. Third Party Administrator (TPA)

Ambassador Medical Services
12000 Lincoln Drive West
Unit 308
Marlton, NJ 08053 856-810-0235

B. Designated Employer Representative (DER)

Lewis Fogg, LAC Public Works Foreman
LAC Public Works Garage
8 Peck Corner Road
Salem, NJ 08079 856-935-5252

C. Collection-sites

LAC Public Works Garage
8 Peck Corner Road
Salem, NJ 08079 856-935-5252

Quest Diagnostics - Pennsville PSC
181 N Broadway
Pennsville NJ 08070-1550
856-678-1145 856-678-2579 Fax

D After Hours Location

LAC Public Works Garage
8 Peck Corner Road
Salem, NJ 08079 856-935-9292

D. Breath Alcohol Technician (BAT)

Ashley Kraus
Ambassador Medical Services
12000 Lincoln Drive West
Unit 308
Marlton, NJ 08053 856-810-0235

E. DHHS approved laboratory

F. Medical Review Officer (MRO)

Dr. Jesmin. Mirta
12000 Lincoln Drive
Marlton, NJ 08048
865-810-0253

Fax 865-810-0242

G. Substance Abuse Professional (SAP)

Thomas W. Worrell MA, LCADC, CEAP
USDOT Substance Abuse Professional
Director, Employee Assistance Programs & Early Intervention Services
The Southwest Council, Inc.
1405 No. Delsea Drive
Vineland, NJ 08360
856-794-1011 Ext. 301
856-794-1239 (Fax)
609-617-1368 (Cell)

H. Employee Assistance Program (EAP)

Thomas W. Worrell MA, LCADC, CEAP
USDOT Substance Abuse Professional
Director, Employee Assistance Programs & Early Intervention Services
The Southwest Council, Inc.
1405 No. Delsea Drive
Vineland, NJ 08360
856-794-1011 Ext. 301
856-794-1239 (Fax)
609-617-1368 (Cell)

Jason Demarco
Insurance Solutions Inc.
701 New Jersey ROUTE 70
Marlton, NJ 08053
(856) 810-1211