

TOWNSHIP OF MONTVILLE

RESOLUTION 2013

RESOLUTION ADOPTING THE PERSONNEL POLICIES AND PROCEDURES

WHEREAS, it is the policy of the Township of Montville to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Township Committee has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Township Committee that the Personnel Policies and Procedures attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all the Montville Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that these policies are intended to provide guidelines covering public service by Montville Township employees and are not a contract. The provisions of these policies may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Township of Montville shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that Stephen Trimboli, Esq. is appointed as Labor Counsel to advise the Township of Montville in personnel matters.

BE IT FURTHER RESOLVED that the Township Administrator, Assistant Township Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Director of Finance/CFO and Labor Counsel shall assist the Township Administrator in the implementation of these policy and procedure revisions as well as the Personnel Manual in sum.

Adopted: June 25, 2013

Gertrude H. Atkinson, Township Clerk

Tim Braden, Mayor

June 25, 2013

PERSONNEL MANUAL
TOWNSHIP OF MONTVILLE

TABLE OF CONTENTS

	PAGE
1. INTRODUCTION	5
2. TOWNSHIP OF MONTVILLE	7
2.01 DESCRIPTION OF TOWNSHIP	8
2.02 ORGANIZATIONAL CHART	9
2.03 BOARDS, COMMITTEES, & COMMISSIONS	10
3. EMPLOYMENT WITH THE TOWNSHIP OF MONTVILLE	13
3.01 ANTI-DISCRIMINATION AND EQUAL OPPORTUNITY	14
3.02 DEPARTMENT OF PERSONNEL (CIVIL SERVICE)	15
3.03 RECRUITMENT, SELECTION AND APPOINTMENT	16
3.04 ORIENTATION OF NEW EMPLOYEES	18
3.05 INITIAL EMPLOYMENT PERIOD	19
3.06 CLASSIFICATION AND COMPENSATION	20
3.07 CHANGES IN EMPLOYMENT STATUS	22
3.08 DISCIPLINARY ACTION	24
3.09 PERFORMANCE EVALUATION	26
3.10 PERSONNEL RECORDS AND INFORMATION	27
3.11 EMPLOYMENT VERIFICATION AND REFERENCES	28
3.12 ACCESS TO PERSONNEL FILES	29
3.13 POSTING OF NOTICES	30
3.14 PERSONNEL DISCUSSIONS	31
4. EMPLOYEE BENEFITS	32
4.01 HEALTH, DENTAL AND VISION CARE BENEFITS	33
4.02 PENSION PLAN	35
4.03 LIFE INSURANCE	37
4.04 WORKERS COMPENSATION	38
4.05 UNEMPLOYMENT COMPENSATION	40
4.06 EDUCATIONAL BENEFITS	41
5. LEAVES OF ABSENCES	42
5.01 REQUESTS FOR LEAVE	43
5.02 HOLIDAYS	44
5.03 VACATION	45
5.04 SICK LEAVE	47
5.05 PERSONAL DAYS	49
5.06 BEREAVEMENT LEAVE	50
5.07 FAMILY/MEDICAL LEAVE	51
5.08 MILITARY LEAVE	53
5.09 JURY DUTY LEAVE	54
5.10 EDUCATIONAL LEAVE	55

5.11 LEAVE OF ABSENCE WITHOUT PAY	56
6. WORK SCHEDULE	57
6.01 HOURS OF WORK	58
6.02 OVERTIME	59
6.03 LUNCH AND COFFEE BREAKS	60
6.04 PERSONAL BUSINESS	61
6.05 EMERGENCY CLOSING OF OFFICES	62
6.06 EMERGENCY SERVICE VOLUNTEER WORK	63
6.07 OUTSIDE EMPLOYMENT	64
6.08 VOLUNTEER WORK	65
7. EMPLOYEE CONDUCT AND RIGHTS	66
7.01 CODE OF ETHICS	67
7.02 WORKPLACE HARASSMENT/WORKPLACE CIVILITY	69
7.03 SEXUAL HARASSMENT	71
7.04 WORKPLACE VIOLENCE POLICY	74
7.05 AMERICANS WITH DISABILITIES ACT	75
7.06 CONTAGIOUS OR LIFE THREATENING ILLNESSES	76
7.07 WHISTLE BLOWER LAW	77
7.08 APPEARANCE/UNIFORMS	78
7.09 TELEPHONE PROTOCOL	79
7.10 BARGAINING UNITS	80
7.11 REIMBURSEMENT FOR EXPENSES	81
7.12 DISPUTE RESOLUTION	82
7.13 INTELLECTUAL PROPERTY	83
8. MUNICIPAL FACILITIES AND EQUIPMENT	84
8.01 BUILDING SECURITY	85
8.02 EMPLOYEE SAFETY	86
8.03 DRUG AND ALCOHOL AND EMPLOYEE ASSISTANCE POLICY	87
8.04 USE OF VEHICLES, EQUIPMENT AND SUPPLIES	93
8.05 SMOKE-FREE BUILDINGS	96
8.06 COMPUTER EQUIPMENT AND SYSTEMS	97
APPENDIX A – ACKNOWLEDGEMENT FORM	100
APPENDIX B – EMPLOYEE COMPLAINT FORM	101
APPENDIX C – EMPLOYEE COMPLIANT NOTIFICATION LETTER	104
APPENDIX D – SUPERVISOR’S REPORT OF RESONABLE SUSPICION	106

Chapter 1
INTRODUCTION

Chapter 1

INTRODUCTION

Purpose of Manual: The purpose of this manual is to outline personnel policies, rules and regulations applicable to employees of the Township of Montville. The manual also informs employees of their rights.

The policies contained in this manual are not intended to void, replace or conflict with state or federal laws, New Jersey Department of Personnel (formerly Civil Service) rules and regulations or with labor contracts, all of which supercede local policies and practices. When a contract is silent on a particular issue, the policy, procedure and/or guideline contained in this manual shall be in force. This manual contains many, but not necessarily all, of the rules, regulations, and conditions of employment for Montville Township personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township of Montville.

The Township reserves the right to rescind or revise any or all policies that are not set by any valid bargaining agreement, state or federal laws or the New Jersey Administrative Code. Furthermore, the Township of Montville hereby retains and reserves unto itself, without limitation, all powers, rights, authorities, duties and responsibilities conferred upon and vested in it by the laws and Constitutions of the State of New Jersey and of the United States including, but not limited to, the following rights:

1. To manage and control the affairs of the Township of Montville and its properties and facilities, the operation of its departments and the work activities and scheduling of its employees;
2. To hire all employees and, subject to the provisions of New Jersey Department of Personnel regulations, determine their qualifications, standards of performance and conditions for continued employment or assignment, promotion and transfer;
3. To layoff, suspend, demote, discharge or take other disciplinary action for good and just cause according to law;
4. To establish rules, regulations, policies and procedures to effect the orderly and efficient administration of the Township of Montville's personnel management system.

The Township Administrator serves as the Chief Administrative Officer and Personnel Officer for the Township. The Township Committee has appointed the Assistant Township Administrator to assist the Township Administrator to implement personnel practices. The Township Administrator and the Assistant Township Administrator have access to the Township Attorney and the labor attorney for the Township of Montville, annually appointed by the Montville Township Committee, for guidance in personnel matters.

Users of this manual who encounter difficulty in administering or interpreting any policy or procedure in the manual should discuss this with his/her department head, the Assistant Township Administrator or the Township Administrator. The Township of Montville strongly encourages employees to talk about any problems related to their employment and especially any perceived workplace wrong-doing or violation of personnel policies, with his/her

supervisor, department head, the Assistant Township Administrator or the Township Administrator. Any employee, elected or appointed official or Township contractor, who violates policies or procedures, contained in this manual may be subject to disciplinary action.

This personnel manual is not to be construed as a contract of employment, nor is it a guarantee of any particular term of employment. Unless otherwise provided by statute, contract or Department of Personnel rules and regulations, Township employees are "At Will Employees" who serve at the pleasure of the Township. Within Federal and State law, (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the Township shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

Distribution of Personnel Manual: The Personnel Manual is an internal document to be distributed to all full-time Township employees. The Manual shall be available, upon request, for review by all part-time employees through his/her department head. Each full-time employee is responsible for the manual assigned to him/her and must acknowledge receipt and review of the manual by returning a signed acknowledgement form (Appendix A).

Review and Update of Manual: Whenever there are any changes in policies or procedures related to personnel matters, this manual will be revised. In addition, the Township Administrator will review the manual annually for additions, deletions or changes to its contents. Hard copy revisions will be distributed to all full-time employees who are responsible for ensuring that his/her manual is up-to-date at all times. Every page of the Personnel Manual and any hard copy revisions will include a date-stamp, which shows the date that the Township Committee or the Township Administrator approved the Manual or revision

Chapter 2
TOWNSHIP OF MONTVILLE

Chapter 2.01

DESCRIPTION OF TOWNSHIP

The Township of Montville is a municipal corporation, which was established by special charter of the NJ State Legislature in 1867 and operates under the "Township Committee" form of government. Montville is a suburban community located in the County of Morris in the northwest portion of New Jersey. The Township is 20 square miles and comprised of 3 sections, Towaco, Pine Brook and Montville. There are approximately 20,000 residents.

The Township of Montville is governed by a 5-person Township Committee (also referred to as the "governing body"), which establishes laws and policies for the Township. The Mayor is a member of the Township Committee and is selected annually by the Committee.

The Township Administrator serves as the chief executive and administrative officer for the organization and is responsible for the day-to-day operations of the Township. There are approximately 100 permanent full-time employees and many seasonal and part-time employees. Additionally, there are numerous volunteers who serve on various committees and commissions.

Separate and autonomous public entities, which serve township residents and businesses, include The Montville Board of Education (Montville Public Schools), the Montville Free Public Library, the Montville Township First Aid Squad and the Pine Brook, Montville and Towaco Fire Districts. Although these are separate and distinct organizations, there is substantial inter-organizational cooperation, coordination and interfacing between the Township and the aforementioned public entities.

Chapter 2.02
ORGANIZATIONAL CHART

CHAPTER 2.03

BOARDS, COMMITTEES, and COMMISSIONS

The administration of government within the Township of Montville is undertaken by elected officials, appointed officials and staff, and volunteers who are appointed to serve on a variety of boards, committees, commissions, and advisory groups. This team works to ensure that the Township of Montville remains one of the best communities in the nation to live, work, and visit. The goal of this chapter is to provide a reference for those engaged in the administration of government. It is not intended to replace municipal code, state statute, or any other applicable law, regulation, or policy that supersedes this document. However, in applicable areas, absent municipal code, state statute, or any other applicable law, regulation, policy or collective bargaining agreement, the policies set forth in this Personnel Manual apply.

Montville Township Committee: The Montville Township Committee is the governing body of the municipality and is comprised of five elected officials; the highest tier of local government. They establish the laws and policies for the Township. The Mayor and the Deputy Mayor are members of the Township Committee and are elected annually by the full Committee.

Township Administrator: Chief executive and administrative official of the municipality.

Department Head: Executive responsible for the organization, direction, and supervision of the work of his/her department.

Attendance Requirement: Ordinance 2010-05, established an absentee threshold policy, "...for municipal boards, committees, or commissions to permit the removal of a member if the member has been absent, without being excused, for six consecutive weeks or three consecutive meetings, whichever shall be longer in duration."

Statutory Boards, Committees, and Commissions: Bodies whose responsibilities, powers, and role are provided in State Statute.

Planning Board: The Planning Board is responsible for generating and updating a community's master plan, a comprehensive, long-range plan intended to guide the growth and development of a community. This document contains elements that provide for future economic development, housing, recreation, open space, transportation, community facilities and land use. The Master Plan is then used to develop and implement broad land use policies for guiding the growth of the municipality.

Zoning Board of Adjustment: The Zoning Board of Adjustment's powers are very specific and different from the Planning Board in that they are required to review departures from the Township's Zoning laws. The Zoning Board of Adjustment's principal duties are to hear appeals, to grant variances from the strict application of the zoning ordinance and to rule on "use" applications.

Recreation Commission: The Recreation Commission is an autonomous board which establishes policies and procedures for Township recreation programs and organizations. Additionally, the Commission may make recommendations for recreational infrastructure projects and facilities.

Environmental Commission: The Environmental Commission is established for the protection, development or use of natural resources, including water resources, located within the Township of Montville.

Board of Health: Plan and administer a comprehensive public health program, including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health, health education, laboratory services and other services as may be deemed necessary or desirable for the health of the Township.

Boards and Committees: Bodies whose responsibilities, powers, and role are established by municipal code or other legal mechanism.

Housing Committee: The Housing Committee and Housing Administrator manage the affordable housing marketing and rental programs within Rachel Gardens, Montville Chase, Hunting Hills, Jade Mountain and Longview and any future locations.

Design Review Committee: The Design Review Committee shall assist the Planning Board in its duties but without power to take official action required of the Planning Board. The DRC promotes good quality design and attractive appearance of properties by preserving and enhancing natural features and the natural environment; contributing to the amenities and attractiveness of an area to maintain and improve the economic value and stability of property; and encouraging the most appropriate use and development of the property and adjacent properties.

Historic Preservation Review Commission: The Historic Preservation Review Commission shall be an advisory commission established to advise the Township Committee, the Planning Board, and other Township agencies concerning the protection, enhancement and preservation of districts, sites, buildings and structures of historic, cultural or architectural value of interest within the Township of Montville.

Drug Awareness Council-Municipal Alliance: The Drug Awareness Council-Municipal Alliance works very closely with the Montville Township Committee, Board of Education, Police Department, school administration and staff, parent groups and many other civic organizations in town in an effort to prevent substance abuse and to provide information to all residents regarding alcohol, tobacco and other drugs.

Community Dispute Resolution Committee: This is a committee comprised of appointed Montville Township residents who mediate citizen disputes, such as harassment and some local ordinance violations.

Economic Development Committee: Montville Township's Economic Development Committee is charged with developing and implementing a strategic business attraction

and retention program for the municipality. Its function is to make recommendations to the Township Committee that will create an environment that encourages enterprises looking for a new home to select a suitable and appropriate location within Montville's borders. The Economic Development Committee's mission is to attract strong and diverse corporations that will add to the township's already strong and diverse business mix.

Advisory Boards & Committees: Bodies whose function is to advise the Montville Township Committee, Administration, and other groups on a specific subject or area.

Open Space Committee: An advisory committee established for the purpose of advising the Township Committee on open space conservation and acquisition issues.

Residents with Disabilities Advisory Committee: The RDAC is a committee established to meet the needs of the people of Montville Township with disabilities and establish policies and procedures to comply with the Township's responsibilities under the Americans with Disabilities Act and any legislation or administrative directive designed to address the needs of persons with disabilities.

Long Term Financial Planning Committee: The LTFPC is an advisory committee established for the purpose of advising the Township Committee on issues of long-term financial planning.

Technology Committee: The Technology Committee is an advisory committee established for the purpose of advising the Township Committee on technological issues.

Chapter 3

EMPLOYMENT WITH THE TOWNSHIP OF MONTVILLE

Chapter 3.01

Anti-Discrimination and Equal Opportunity

It is the policy of the Township of Montville to ensure equal employment opportunity for all persons regardless of race, color, creed, national origin, political or religious opinions, or affiliations, ancestry, age, marital status, gender, sexual orientation, any physical or mental disability which does not interfere with an individual's ability to perform the required work or any other legally protected class under state or federal anti-discrimination laws. It is also unlawful to discriminate against individuals who serve in the Armed Forces for the United States. Age shall be a valid factor for employment only where it is required for the position by law and where it is a lawful occupational requirement.

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. Any employee or prospective employee who feels his/her rights may have been violated, is encouraged to address his/her concern with the supervisor, department head, Assistant Township Administrator or Township Administrator, and according to the terms of the manual.

Chapter 3.02

DEPARTMENT OF PERSONNEL

The Township of Montville is a public employer subject to Civil Service rules and regulations of the New Jersey Department of Personnel. The purpose of these rules is to establish a personnel system that provides a fair balance between managerial needs and employee protections for the effective delivery of public services. Department of Personnel rules and regulations apply to the recruitment, selection, employment, discipline and classification of most Township employees. Employees not covered include the Township Administrator, most department heads, temporary and seasonal employees and emergency appointments.

The New Jersey Department of Personnel rules and regulations may be found in Title 4A of the New Jersey Administrative Code.

Chapter 3.03

RECRUITMENT, SELECTION AND APPOINTMENT

Filling Vacant Positions: The Township Administrator is the hiring authority for the Township. Only those positions, which are authorized and funded, may be filled.

All recruitment activities shall be conducted in accordance with Equal Employment Opportunity policies and if applicable, New Jersey Department of Personnel rules and regulations. Appointments shall be made based on the merit and fitness of candidates in accordance with New Jersey Department of Personnel rules and regulations, when applicable, and in accordance with EEO policies, the Americans with Disabilities Act and the New Jersey Law Against Discrimination.

For some positions, there may be an existing Department of Personnel list of eligible candidates. In these cases, the Township Administrator may appoint from the list of eligible candidates in consultation with the department head and in accordance with Department of Personnel rules and regulations.

For an unclassified position or if there is no valid, current list of eligibles, the Township Administrator will directly recruit candidates for any vacant, authorized and funded position. Notices are posted on official Township bulletin boards and may be advertised in the local newspaper(s). Additionally, the Township Administrator may check the current file of applications to determine if there are any qualified candidates.

The pool of potential candidates is reviewed by the department head that also conducts interviews. The Township Administrator may choose to participate in the initial or final interviews.

After a candidate is selected, the Township may verify previous employment, check references, check driver's license and driving record, if appropriate, and conduct any necessary background investigations, including residency verification. Consistent with the provisions of the Americans with Disabilities Act, all new employees may be required to submit to a pre-employment physical examination (including a drug screening) prior to the date of appointment. This examination will be used to establish pre-existing conditions and will result in the candidate's rejection if he/she will be unable to perform the essential job function of the position, with or without reasonable accommodations.

The Township Administrator will provide the successful candidate with a letter of appointment and require completion of forms. Employees hired to fill Department of Personnel covered positions who are not selected from a current list of eligibles are hired as "provisional" employees who must meet Department of Personnel requirements to obtain "permanent" status.

No one shall be hired, promoted or placed to directly supervise, or be supervised by, a family member. For the purpose of this policy, a family member shall mean a spouse, child, parent or

June 25, 2013

sibling. The Township Administrator may broaden this policy to protect the interest of the Township in avoiding supervision by other family members or significant others.

Chapter 3.04

ORIENTATION OF NEW EMPLOYEES

New employees receive orientation from the department head, the Township Administrator and the Finance Officer. The department head will welcome the new employee, introduce him/her to co-workers, familiarize him/her with workplace and departmental procedures and provide them with a copy of the Montville Personnel Manual. The Township Administrator and Finance Officer will provide new employees with general information regarding employment with the Township and benefits.

Chapter 3.05

INITIAL EMPLOYMENT PERIOD PROCEDURE

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial (non-guaranteed) employment period of not less than six (6) months or more than twelve (12) months, as determined by the Township Administrator. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. (See Chapter 3.09 - Performance Evaluation) A new employee may be discharged at any time during this period if the Township Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Township Administrator may extend the initial employment period. A newly hired employee is not eligible for payment of paid time off except holidays until the successful completion of his/her initial employment period.

Chapter 3.06

CLASSIFICATION AND COMPENSATION

Classification/Reclassification: The New Jersey Department of Personnel assigns job titles to all positions covered by the Department of Personnel. Additionally, the Department of Personnel develops general job descriptions for classified positions. The Township Administrator's office maintains job descriptions for each township position. When duties and responsibilities of a position change to the extent that the job title is no longer appropriate, the New Jersey Department of Personnel may reclassify the position. Copies of job descriptions are available upon request.

A department head may identify changes in work assignments that he/she feels impact on the job to the extent that the present title is no longer appropriate. The Township Administrator may request reclassification by the New Jersey Department of Personnel. Reclassifications may not take place until the New Jersey Department of Personnel approves and the affected employee is notified.

Compensation: Each paid position within the Township is assigned to a pay scale in the Salary Ordinance.

Paychecks are issued on the 10th and 25th of every month. If payday falls on a Saturday or Sunday, paychecks are issued on the previous Friday. If payday falls on a holiday, paychecks are issued on the last workday preceding the holiday.

Payroll Deductions: Mandatory deductions from paychecks shall include the following:

- Federal Income Tax
- State Withholding Tax
- Social Security (FICA)
- Medicare
- State Unemployment Insurance/Disability Insurance
- Pension
- Health Insurance
- Pension Loan Repayments
- Court-ordered Wage Garnishments

Employee-authorized (voluntary) deductions may include:

- PERS/PFRS Contributory Insurance (mandatory for the first year of enrollment in the Pension system and voluntary thereafter)
- United Way Contributions
- Deferred Compensation
- Direct Bank Deposits
- Holiday Club

- Sunshine Club
- Section 125 Insurance Policies
- Other optional employee programs

Retroactive Pay: In order to be eligible for retroactive pay, an employee must be currently employed by the Township on the date the action is taken, e.g. adoption of the budget, execution of the collective bargaining unit contract that establishes the new pay rate.

Chapter 3.07

CHANGES IN EMPLOYMENT STATUS

Any change in employment status will be made in accordance with Department of Personnel rules and regulations.

Layoffs: The Township may institute layoff actions for economy, efficiency or other related reasons but will first consider voluntary alternatives. Seniority and lateral, demotional or special reemployment rights for employees in Civil Service positions will be determined by the New Jersey Department of Personnel.

Prior to instituting layoff procedures, the Township will first consider taking alternative actions, which may include, but are not limited to:

- Leaves of absence without pay for permanent employees with no loss of seniority
- Voluntary reduction of work hours or job sharing
- Optional temporary demotions

Employee participation will be voluntary and any such employee will be considered as working and earning seniority in his/her original title when determining layoff rights.

Resignations: Employees are expected to provide as much notice as possible to the department head regarding resignations. In order to have "resigned in good standing," an employee must provide at least ten (10) working days notice in writing. If less than ten (10) working days notice is given, the resignation will be considered "not in good standing." An employee is considered to have abandoned his/her position and thus resigned "not in good standing" when absent from duty for five (5) or more consecutive working days without approval. The Township Administrator may permit an employee to rescind his/her resignation prior to the effective date.

Termination: The Township of Montville will consider termination for cause as the final step in a progressive disciplinary program, except in unusual or critical circumstances. Reasons for termination for cause may include, but are not limited to:

- Incompetence, inefficiency, or failure to perform duties
- Insubordination
- Inability to perform duties
- Chronic or excessive absenteeism or lateness
- Conviction of a crime or disorderly persons offense
- Conduct unbecoming a public employee
- Neglect of duty
- Misuses of public property, including motor vehicles
- Discrimination that affects equal employment opportunity, including sexual harassment
- Violations concerning drug and alcohol use

- Other sufficient causes

All discharges will be in accordance with Federal and State laws (including the New Jersey Civil Service Act) as well as applicable collective bargaining agreements.

Exit Interview: On or about the last working day for an employee, the Director of Finance, the department head and/or the Township Administrator will attempt to obtain certain information from the employee and will attempt to advise the employee of his/her rights and benefits as an employee separated from service to the Township of Montville.

Badges, photo identification cards, clothing, keys, swipe cards, beepers, radios, tools, the Personnel Policy Manual and/or any other Township property, passwords and codes will be turned over to the Township prior to, or on, the last day of employment. The employee will not receive a final paycheck unless all Township property has been returned.

The Township Administrator or his designee may schedule a final interview to offer the employee an opportunity to discuss the reason for his/her resignation, offer comments on his/her experiences in working for the Township of Montville and/or make suggestions on improving conditions for present or future employees.

Chapter 3.08

DISCIPLINARY ACTION

Disciplinary action, as appropriate, will be taken against any employee found to be in violation of established policies and procedures. Disciplinary action is used as a constructive tool and should not be used in an abusive or vindictive manner.

Employee Violations: An employee may be subject to discipline for:

- Incompetence, inefficiency, or failure to perform duties
- Insubordination
- Inability to perform duties
- Chronic or excessive absenteeism or tardiness
- Conviction of a crime or disorderly persons offense
- Conduct unbecoming a public employee
- Neglect of duty
- Violation of Township policies, procedures and regulations
- Violation of Federal, State or Township regulations concerning drug and alcohol use and possession
- Discrimination that affects equal employment opportunity, including sexual harassment
- Falsification of public records, including personnel records
- Misuse of public property, including motor vehicles
- Other sufficient cause

Discipline may be minor or major:

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

Major Discipline: Major discipline includes removal, disciplinary demotion or suspension or fine of more than five (5) days.

Progressive Discipline: Discipline should be progressive in nature and will generally follow the steps shown below. However, any disciplinary action may involve more than one step or skip a step. In certain instances when an employee's actions constitute an egregious violation of policies, procedures, protocol or practices, steps in the normal progressive discipline process may be skipped. Additionally, there may be instances when an employee is required to seek professional counseling.

- Informal, private discussion with the department head

- Written memorandum of censure by the department head (The department head and employee must develop a jointly written improvement plan for the employee at the second step. The plan will include time frames for the completion of the plan and for progress reviews.)
- Letter of reprimand from the Township Administrator
- Suspension without pay
- Demotion
- Termination of employment

All disciplinary action including termination will be in accordance with Federal and State laws (including the New Jersey Civil Service Act) as well as applicable collective bargaining agreements.

Chapter 3.09

PERFORMANCE EVALUATION

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

During each calendar year, every department head will conduct evaluations for each of his/her permanent employees utilizing the Employee Evaluation Form. Evaluations must be signed by the department head and provided to the employee who is responsible for reviewing the evaluation and returning a signed copy to the department head. Either the department head or the employee may initiate a discussion regarding the evaluation. The employee also has the right to request a conference with the Township Administrator or the Assistant Township Administrator. (The department head may delegate the performance evaluation function to appropriate supervisory personnel. However, the department head must review and sign-off on all evaluations.)

The evaluation may include the development of a practical plan for improving employee performance by identifying areas, which can be corrected with additional training or professional counseling and/or a plan for future career development

Chapter 3.10

PERSONNEL RECORDS AND INFORMATION

- **Personnel Files:** Personnel records are maintained by the Township Administrator for all employees in accordance with New Jersey Department of Personnel regulations. Such records are considered confidential in nature.

The official file shall include at least the following:

- The original application signed by the employee and/or resume
- Notes from any pre-employment interview and reference checks
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring
- A signed acknowledgement that the employee received a copy of the employee complaint policy letter
- A signed acknowledgement that the employee has received the employee handbook
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee
- Any counseling action plans
- Any records relating to on-the-job accidents
- Any records of disciplinary action
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.
- Any educational transcripts
- Any other pertinent information

Chapter 3.11

EMPLOYMENT VERIFICATION AND REFERENCES

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Township Administrator. All requests for references will be forwarded to the Township Administrator. Only the Township Administrator, or his designee, is authorized to provide references. In response to a request for information, the Finance Office is authorized to verify by telephone, or in writing, only an employee's name, dates of employment, job title, department and current or final salary.

Chapter 3.12

ACCESS TO PERSONNEL FILES

The official personnel file for each employee shall be maintained by the Township Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Township premises in the presence of the Township Administrator or his/her designee. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

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

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

- In response to a valid subpoena, court order, or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Township's compliance with applicable law;
- To the Township's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Township are parties;
- To administer benefit plans;
- To an authorized healthcare provider; and
- To first aid or safety personnel, when necessary

Chapter 3.13

POSTING OF NOTICES

Employment notices which are required to be posted by federal or state laws, the NJ Department of Personnel and any other governmental agencies will be posted on bulletin boards in the following locations:

- Municipal Building – Bulletin Board in Lobby
- Public Safety Building - Hallway outside of Police Dispatch Area
- Department of Public Works - Garage and Supervisor's Office
- Youth Center - Youth Services Coordinator's Office
- Senior House – Director of Social Service's Office

The bulletin boards are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Township Administrator may post, remove or alter any notice.

Chapter 3.14

PERSONNEL DISCUSSIONS

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. 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 unless the individual requests, in writing, that the discussion be held in open session in which case, the discussion must be held in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Township may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

Chapter 4
EMPLOYEE BENEFITS

Chapter 4.01

HEALTH, DENTAL AND VISION CARE BENEFITS

Eligibility: A full-time employee who is on payroll and actively at work for at least 35 hours per week and his/her dependents are eligible for health, dental and vision care coverage, on the first day of the calendar month following sixty (60) days of employment. Eligible dependents include spouse and any biological, adopted, step or foster child who resides in the employee's household and is primarily dependent upon the employee for support and maintenance. (Some part-time employees may receive some or all of the aforementioned benefits on a grandfathered basis.)

Enrollment: The Department of Finance will provide enrollment forms. The employee must complete the enrollment forms for health coverage and return them to the Finance Office as soon as possible after beginning employment to ensure earliest coverage. Annually, an open enrollment period is designated for any changes in enrollment.

Health Benefits: The Township participates in the North Jersey Municipal Employee Health Benefits Fund. A variety of plans and types of plans are offered. All plans cover basic medical, major medical (including hospitalization) and prescription drugs. A plan description and summary may be obtained from the Finance Office.

Dental Benefits: 100% of the cost of preventive and diagnostic dental procedures is paid for by the plan. For all other procedures, an annual deductible of \$50 per person or \$100 per family must be met before the Plan will pay:

- 100% for crowns, inlays, fillings, extractions, endodontics (root canals), periodontics and sealants
- 60% for bridgework, repair of dentures, full and partial dentures
- 50% for orthodontics up to \$2,000 lifetime maximum
- All of the above are subject to a \$1,500 per person, annual maximum

See Delta Dental's Benefits Summary for further details and restrictions. These brochures are available through the Finance Office.

Eye care: The Township provides an eye care plan for eligible employees and their dependents. Within certain limits and within the network, the vision plan provides for standard eye examinations, glasses and contact lenses. Brochures including detailed information are available through the Finance Department.

Continuation of Benefits: After retirement, termination of coverage or while on an approved leave of absence, health benefit coverage may be continued at the expense of the employee as required by Federal (COBRA) or State law or as otherwise authorized and approved by the Township Committee. To insure uninterrupted group coverage, employees should see the Finance Officer, as early as possible, for complete details.

Note: Errors in medical/dental enrollment and claims forms are the responsibility of the employee and not the employer.

Chapter 4.02

PENSION PLAN

PERS: Most non-uniformed employees covered by Social Security who earn \$1,500 or more a year and any veteran, including elected officials, must enroll as members of the New Jersey Public Employees' Retirement System (PERS). For certain other employees, membership is optional. Employees who cannot join PERS include provisional, temporary or seasonal employees with less than twelve (12) months of continuous service and those receiving a pension from PERS or another public retirement system in New Jersey.

The employee must complete an application form in order to enroll. The State Division of Pensions certifies the amount of the payroll deduction based on the employee's salary.

Employees who actively contribute to PERS may obtain low interest loans from PERS. The maximum loan amount is based on the accumulated contributions by the employee. Loan repayments are made by payroll deductions.

Withdrawal from Pension Plan: If employment terminates before retirement and the employee has less than ten (10) years credit in PERS, the employee may withdraw from the system or may continue as an inactive member for 2 years.

Deferred Retirement: Employees with at least 10 years credit in PERS are vested in the system and are eligible for deferred retirement. Under deferred retirement, membership in the pension remains inactive but retirement benefits are made available once the member reaches age sixty (60).

Retirement: Employees who are planning to retire should contact the Finance Office twelve (12) months before the anticipated retirement date. Employees must file a retirement application with the Division of Pensions at least six months before retirement to allow time for their application to be processed.

All pension forms and additional information are available from the Finance Office, the PERS Member Handbook or through the New Jersey Division of Pensions and Benefits.

PFRS: Enrollment in the New Jersey Police & Firefighters Retirement System (PFRS) is restricted to eligible police officers and firefighters.

The employee must complete an application form in order to enroll. The State Division of Pensions certifies the amount of the payroll deduction based on the employee's salary and age.

Employees who actively contribute to PFRS may obtain low interest loans from PFRS. The maximum loan amount is based on the accumulated contributions by the employee. Loan repayments are made by payroll deductions.

Withdrawal from Pension Plan. If employment terminates before retirement and the employee has less than 10 years credit in PFRS, the employee may withdraw from the system or may continue as an inactive member for 2 years.

Deferred Retirement. Employees with at least 10 years credit in PFRS are vested in the system and are eligible for deferred retirement. Under deferred retirement, membership in the pension remains inactive but retirement benefits are made available once the member reaches age 55.

Retirement. Employees who are planning to retire should contact the Department of Finance 12 months before the anticipated retirement date. Employees must file a retirement application with the Division of Pensions at least six months before retirement to allow time for their application to be processed.

All pension forms and additional information are available from the Finance Office, the PFFS Member Handbook or through the New Jersey Division of Pensions and Benefits.

Chapter 4.03

LIFE INSURANCE

Employees who are members of PERS are automatically covered in the Group Life Insurance provided through the State pension plan. Members of PERS are insured for non-contributory life insurance, which is paid for by the Township. During the first twelve (12) months of membership, employees must also carry additional contributory life insurance. After twelve (12) months, employees may cancel or continue the contributory life insurance.

If an employee terminates employment before retirement or if insurance coverage terminates while on a leave of absence, coverage will continue for 31 days. During this time, employees may convert all or part of the coverage to an individual policy.

All forms and additional information are available from the Finance Office. Additional information is also provided in the PERS Member Handbook.

Chapter 4.03

WORKERS COMPENSATION

By State law, the Township must provide workers compensation coverage for all employees. The Township may grant a leave of absence for up to one year for any permanent, full or part-time employee or Township Committee member who is injured or disabled as a result of his/her employment.

Forms and more detailed information are available from the Finance Office.

Medical Attention: In an emergency, the employee should be transported to the nearest emergency room. If prompt medical attention is required, the employee must contact the Finance Director or Personnel Clerk immediately for referral to an approved medical facility. After office hours, the home telephone numbers of the Finance Director and Personnel Clerk may be obtained from the Police Desk. All bills should be sent directly to the Township's Finance Office.

Reporting of Accidents: The employee or the immediate supervisor of an injured notified employee will promptly notify the department head of the nature of an on-the-job accident or injury and advise what action was taken.

All minor or major accidents or injuries must be reported immediately, via the Accident Report form, to the Finance Director. If the employee is unable to do so, the department head will complete the form for the employee.

Worker's Compensation Leave: If an employee is unable to work because of an on-the-job injury or job-related illness, the employee will receive his/her normal salary while out on leave for up to one year. The employee must provide the Finance Officer with a medical certificate certifying the injury or illness.

While an employee is out on workers compensation, the following benefits will continue:

- Medical, dental, prescription and vision plans
- Pension - Pension payments will be deducted from his/her wages
- Non-contributory life insurance will be continued for up to 1 year

Contributory life insurance - The employee contribution will be deducted from his/her wages

Any salary or wages paid to an employee while on such leave will be reduced by the amount of any temporary workers compensation payment for the same injury or illness.

Transitional Duty: The Township of Montville will endeavor to bring employees on workers compensation with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of workers compensation injury or illness. Transitional duty is not

guaranteed and will not exceed thirty (30) workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

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

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Township Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Department Head and Administrator informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Township reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Chapter 4.05

UNEMPLOYMENT COMPENSATION

Both the Township of Montville and its employees make contributions toward the State Unemployment Insurance Program. The employee's contribution is deducted from his/her wages as noted on the pay stub. An employee who is laid off should file a claim for benefits with the Unemployment Compensation Insurance Claim Office nearest his/her home on the first working day following a layoff.

Chapter 4.06

EDUCATIONAL BENEFITS

Employees are encouraged to receive job-related training and education by attending college courses, seminars, professional conferences, New Jersey Department of Personnel Human Resource Development and other programs. If approved by the department head and the Township Administrator, the fees associated with this training may be paid for or reimbursed by the Township.

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

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

Chapter 5
LEAVES OF ABSENCES

Chapter 5.01

REQUESTS FOR LEAVE

Leave Request: Unless otherwise specified, all leave requests and reports are submitted via the Personnel Action Form to the department head. In order to minimize disruptions to the workflow, the employee should notify his/her department head of the need for a leave as soon as the need is known. All leaves must be approved by the department head. Some leaves, particularly of a longer period, may also require the approval of the Township Administrator. Requests from a department head must be forwarded to the Township Administrator for approval

Leave Records: All Personnel Action Forms and other leave records are to be forwarded to the Director of Finance for recording in the employee's attendance file.

Continuation of Benefits: Since leaves of absence may affect certain employee benefits, employees should see the Director of Finance to discuss possible continuation of such benefits.

Chapter 5.02

HOLIDAYS

Employees are entitled to the following paid holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Friday following Thanksgiving Day
12. Christmas Eve
13. Christmas Day

Township observance of holidays may deviate from the aforementioned guidelines. The annual holiday schedule shall be as authorized and approved by the Township Committee.

To qualify for holiday pay, an employee must be present at work, or on a prior approved leave, the day before and the day after the holiday.

When it is necessary for an employee to work on an official holiday to maintain operations, the employee will be compensated hour for hour in addition to receiving holiday pay. After forty hours, road employees will receive 1 ½ hours for each hour worked.

The observance of religious holidays other than those listed as official paid holidays may be taken as personal or vacation days.

Chapter 5.03

VACATION

Vacation Accrual: Full-time employees will receive annual vacation leave based on years of service as shown below. The date of hire will determine the number of years of service for vacation purposes. Part-time employees are entitled to proportionate amounts of paid vacation leave. Vacation time is credited at the beginning of the calendar year, in anticipation of continued employment for the remainder of the year.

Employees hired after January 1, 2003:

- After the initial month of employment and up to the end of the first calendar year, new employees shall receive one (1) working day for each full month of service;
- After completing the first year of employment and up to, and through, completion of the 5th year of employment, employees shall receive 12 vacation days per year;
- After completing the 5th year of employment and through completion of the 12th year of employment, employees shall receive 15 vacation days per year;
- After completing the 12th year of employment and through completion of the 20th year of employment, employees shall receive 20 vacation days per year;
- Starting the 21st year of employment and thereafter, employees shall receive 25 vacation days per year.

Employees hired prior to January 1, 2003:

- 1 year and up to and through the completion of the 7th year of employment - 13 working days
- Starting the 8th year of employment, and up to and through the completion of the 8th year of employment – 14 working days
- Starting the 9th year of employment, and up to and through the completion of the 10th year of employment – 15 working days
- Starting the 11th year of employment, and up to and through the completion of the 11th year of employment – 16 working days
- Starting the 12th year of employment, and up to and through the completion of the 12th year of employment – 17 working days
- Starting the 13th year of employment, and up to and through the completion of the 13th year of employment – 18 working days
- Starting the 14th year of employment, and up to and through the completion of the 14th year of employment – 19 working days
- Starting the 15th year of employment, and up to and through the completion of the 17th year of employment – 20 working days
- Starting the 18th year of employment, and up to and through the completion of the 20th year of employment – 21 working days

- Starting the 21st year of employment, and up to and through the completion of the 25th year of employment – 23 working days
- Starting the 26th year of employment and thereafter -25 working days

Vacation Requests: Requests for vacation shall be submitted to the department head. Requests will be honored if possible. However, proper staffing of each department takes precedence over all other considerations in scheduling vacations.

During the final year of service, an employee may take his/her full (or prorated share) vacation entitlement or may elect to receive payment in lieu of time off.

Carry-over of Vacation Days: Vacation leave must be utilized within the next calendar year after the leave days are earned. Vacation leave, not used during the next calendar year, is lost unless a carry-over of the unused days is approved in writing by the Township Administrator based on his determination that the vacation days could not be utilized due to the pressures of official Township business. Earned and unused vacation leave shall be paid to the estate of a deceased employee.

Advancement of Vacation Days: Any employee, who exhausts all of his/her vacation leave in any one year, will not be credited with any additional paid vacation leave until the beginning of the next calendar year. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any vacation leave, which was used but had not yet been earned.

Chapter 5.04

SICK LEAVE

Sick Day Accrual: During the first year of employment, full-time employees will receive one (1) working day of sick leave for each month of employment. (One full day if they begin work on the 1st through the 8th day of the calendar month, and 1/2 working day if they begin on the 9th through the 23rd day of the month. No credit is earned if an employee begins work on the 24th day of the month or after.)

At the beginning of each calendar year thereafter, full-time employees shall have 15 days of sick leave credited in anticipation of continued employment for the remainder of that year. Part-time employees shall accrue sick days in the same manner but on a pro-rated basis.

Sick days shall not accrue during a leave of absence without pay, during a suspension or after an employee has resigned even if his/her name remains on the payroll until vacation or other leave time is exhausted.

Unused sick leave shall accumulate from year to year without limitation.

Advancement of Sick Days: Any employee who exhausts all of his/her sick leave in any one year shall not be credited with any additional paid sick leave until the beginning of the next calendar year. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any sick leave that was used, but had not yet been earned.

Use of Sick Days: Sick leave may be used for personal illness or injury, exposure to contagious disease, care, for a reasonable period of time, of a seriously ill member of the employee's immediate family (as set forth under the New Jersey Family Leave Law and/or the Federal Family Medical Leave Act) or a death in the employee's immediate family, for a reasonable period of time. For the purposes of this policy, immediate family shall include the employee's spouse, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and any other relatives residing in the employee's household. No employee shall work for another employer while on sick leave.

Notification: All employees are responsible for notifying the department head if they will be absent due to illness within fifteen (15) minutes of the employee's start time. If an employee is unable to reach his/her department head, the Township Administrator should be contacted. Failure to follow the procedure for notification of absence due to illness could result in denial of sick leave for that absence and/or disciplinary action.

If possible, an employee must complete a Personnel Action Form prior to the commencement of sick leave. If this is not possible, the employee's department head will complete and submit the Personnel Action Form.

Any employee who is on sick leave for five (5) or more consecutive days must submit official proof of illness or inability to work. If an illness is of a chronic or recurring nature, the employee may be required to provide periodic proof of illness, upon request of the Township Administrator. Such proof must specify the nature of the illness and that it is likely to cause periodic absences.

Abuse of Sick Leave: An employee, who has been absent on sick leave for periods totaling more than fifteen (15) days in one calendar year consisting of periods of less than five (5) consecutive days will have his/her sick leave record reviewed by Township Administrator and thereafter may be required to submit medical evidence to be compensated for any additional sick leave in that year. Additionally, the Township Administrator may require proof of illness at any time that there is reason to believe that sick leave is being abused.

Return to Work: The Township may require a medical certificate from the attending physician stating the employee is able to perform the essential job functions of his/her regular duties without jeopardizing the health or safety of the employee or other employees. The Township may further require an employee to obtain a medical release from the Township physician.

Sick Day Payoff upon Retirement/Death: Upon retirement within the PERS/PFRS system or death, each full and part-time employee shall receive compensation based on the number of accumulated, unused sick days times the average daily rate of pay of the highest three (3) years' salary times 75%, subject to the following limitations.

- Employees with over \$20,000 accumulation as of December 31, 1991 will be capped at their dollar amount as of December 31, 1991
- Employees with dollar amounts between \$15,000 - \$20,000 accumulation as of December 31, 1991 will be capped at \$20,000
- Remaining employees will be capped at \$15,000

The Township reserves the right to pay accumulated dollars in a lump sum or over a period of two (2) years. The Township is not required to make a first payment during the current budget (calendar) year if notification of retirement was not provided in a timely fashion such that such payment was anticipated and subsequently budgeted by the Township.

Compensation for any unused sick days shall only be paid upon retirement or death. To be eligible for the sick day payoff, the employee must retire under PERS/PFRS.

Chapter 5.05

PERSONAL DAYS

All full-time employees (working 35 or more hours per week) shall be granted three (3) personal days at the beginning of each calendar year in anticipation of continued employment. Personal days may not be carried over from year to year. An employee will earn 1/2 day for each month of work up to a maximum of three (3) days. No credit will be earned during the initial month of employment if an employee starts work on or after the 16th of the month.

Except for emergencies, all requests for use of personal time must be submitted, to the department head, via the Personnel Action Form, twenty-four (24) hours in advance. In case of emergency, an employee shall notify his/her department head within fifteen (15) minutes of the employee's start time if he/she must use personal leave.

Any employee who exhausts all personal leave in any year shall not be credited with additional paid personal leave until the beginning of the next calendar year. If an employee terminates employment prior to the end of the calendar year, an adjustment will be made in the final paycheck for any personal leave used but not earned.

Chapter 5.06

BEREAVEMENT LEAVE

Employees may take up to three days of bereavement leave, with pay, for a death in their immediate family. For the purpose of this policy, immediate family shall include father, stepfather or father-in-law, mother, stepmother or mother-in-law, spouse or civil union partner, child, stepchild or foster child, sister or brother, grandmother or grandfather and any relatives of the employee residing in the employee's household. Bereavement leave may be extended beyond three (3) days via the use of sick days in accordance with the sick day policies described above. Bereavement leave must be taken on consecutive workdays and include the day of death, the funeral and/or memorial services.

The employee must immediately notify the department head of the intent to take bereavement leave. The employee or the department head must complete a Personnel Action Form. The employee may be required to submit proof of death.

Chapter 5.07

FAMILY AND/OR MEDICAL LEAVE

Eligibility: Employees who have been employed for a period of twelve (12) months and have worked at least 1,000 base hours during this period (not including any overtime), are eligible for family and medical leave with no loss of position or pay rate. This leave is provided pursuant to federal Family and Medical Leave Act (FMLA) and the New Jersey Family Leave Act (FLA).

Family and/or medical leave may be requested for:

- The birth of a child of the employee
- The placement of a child with the employee in connection with adoption of the child by the employee
- The serious health condition of the employee or a family member of the employee, including a civil union partner

Request for Leave: For foreseeable events, an employee who wishes to take advantage of the Family Leave Act must apply, at least thirty (30) days before the leave is to start, via a Personnel Action Form. At all possible, more advance notice shall be provided. In the case of unusual or unforeseen circumstances, all or part of the advance notification period may be waived. The request for family/medical leave is submitted to the department head who reviews the request with the Township Administrator. The FMLA and/or FLA leave will be granted only if the leave requirements have been met and are properly documented.

Leave taken because of the birth of a child or adoption of a child may commence any time within a year after the birth or placement or adoption. If agreed between the Township and the employee, the leave may be taken intermittently. In the case where the employee or a family member has a serious health condition, the leave may be taken intermittently when medically necessary.

During a paid family and/or medical leave, all benefits and policies that are in effect for active employees (group life insurance, health insurance, disability insurance, sick leave, vacation leave, pension or other similar benefits) will be continued at the level and under the conditions it would have been provided if the employee had not taken such leave. At the end of the leave, the employee is restored to his/her position or an equivalent position. If a layoff occurs during the leave period, the employee shall retain all rights under Department of Personnel rules and regulations as if the employee had not taken leave. During an unpaid leave, health insurance benefits will be continued and other benefits will be suspended.

The Township may decline to restore a "highly compensated" employee to his/her position. However, these employees are entitled to all other privileges and benefits granted by the Family and Medical Leave Act. Furthermore, the Township may deny Family Leave if the employee is a highly compensated employee and if the leave would result in substantial and grievous economic injury to the Township.

No employee shall, during any period of family leave, perform paid services for another employer for whom the employee did not provide these services immediately prior to commencement of such leave.

Employees may utilize accrued sick days for their own personal illness or the care of a serious ill family member as defined in the "Sick Leave" section above. Employees may also utilize all accrued vacation days. In addition to completing the Family/Medical Leave Form, the employee must complete a Personnel Action Form for paid sick and/or vacation leave.

Commencing July 1, 2009, Family Temporary Disability (FTD) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees will be required to use accrued sick, vacation, or personal leave for up to two weeks.

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

Employees may also be eligible for an unpaid leave for up to twenty-six (26) weeks in a year to care for a family member on active duty in the military or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a member of the National Guard or Reserves is called to active duty and a close member of his/her family must attend official ceremonies or family assistance meeting, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling.

Employees who wish to utilize Paid Family Leave under the State of New Jersey's Family Leave Insurance program are required to use up to two (2) weeks of paid time off including vacation time, sick time, or personal time thereby reducing the period of Paid Family Leave from six (6) weeks to four (4) weeks. If an employee does not have two (2) weeks of vacation, sick, or personal time he/she must expend whatever time he/she has accrued.

Chapter 5.08

MILITARY LEAVE

When a full time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force of the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service.

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

Employees on paid or unpaid military leave will continue to receive paid health benefits for the duration of the granted military leave of absence (as per unanimously approved Township Committee motion made on January 8, 2002). Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

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

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

Chapter 5.09

JURY DUTY LEAVE

An employee summoned to serve jury duty shall be paid his/her regular rate of pay. Any compensation received by the employee, as a juror, shall be returned to the Township.

An employee, who is subpoenaed as a witness in a civil or criminal case, in his/her capacity as a Township employee, may be granted a paid leave of absence for the time in which they are officially involved with the court in that capacity. The jury duty summons or subpoena must be submitted with a Personnel Action Form.

The employee must notify the department head as soon as possible if the length of jury duty or subpoenaed testimony has been extended beyond the original date. On the first day of his/her return to work, the employee must present a jury attendance slip, provided by a court authority, to the department head, to be attached to the weekly time sheet.

Chapter 5.10

EDUCATIONAL LEAVE

A permanent employee may be granted an educational leave **without pay** to pursue special job-related work or training that will improve their abilities. Such training should be of direct value to the Township of Montville and should not include knowledge or skills that may be acquired through in-service training.

For an educational leave of one semester of up to four months, the employee must submit a written request for such leave at least two months in advance. The department head will consult with the Township Administrator regarding the leave request.

An employee returning from educational leave must confirm in writing the date of return or request an extension utilizing proper procedures. Written notification of intent must be submitted on the date agreed upon at the time the leave was granted.

Chapter 5.11

LEAVE OF ABSENCE WITHOUT PAY

A permanent employee may be granted a leave of absence **without pay** for a period not to exceed one year. For exceptional circumstances, such leave may be extended beyond one year. An employee who wishes to take a leave of absence for up to one year without pay must first submit a written request stating the reason for, and the inclusive dates of, the leave. The Township Administrator makes the decision regarding the leave.

If the request is denied, the employee may appeal the Administrator's decision to the Township Committee. The written appeal should be forwarded through the Administrator to be placed before the Township Committee.

An employee granted a leave of absence without pay must, in writing, either confirm the date of return or request an extension. For leaves of six months or more in duration, this written notification of intent must be submitted four weeks before the leave expires. For a leave of less than six months, written notification must be submitted on the date agreed upon at the time the leave was granted.

If an employee wishes to extend a leave without pay beyond one year, he/she must submit a written request stating the reason for the extension and the inclusive dates for the additional leave. Approval from the New Jersey Department of Personnel to grant such an extension is required.

Chapter 6
WORK SCHEDULE

Chapter 6.01

HOURS OF WORK

Hours of Work: Unless otherwise specified in a contract, the hours of work for Township employees shall be from 8:30 a.m. to 4:30 p.m., which coincides with the official hours that Township offices are open. The Township reserves the right to change hours of work to meet the demands of the job.

Tardiness: Punctuality, in reporting for duty or returning from authorized breaks, is considered to be the contractual obligation of all employees. Employees are expected to be at their workstations and ready for work at their prescribed starting time. An employee who anticipates arriving late for work or returning late from a break should notify the department head, indicating the reason for the lateness and the anticipated arrival time. Tardiness is expected to be made up at the end of the same day that the tardiness occurred. Tardiness cannot be made up by skipping or shortening breaks during the day.

Department heads will report tardiness of ten (10) minutes or more on the weekly time sheet. If an employee is chronically late, the department head will report such abuse to the Township Administrator. The department head and/or the Township Administrator will develop an appropriate course of action to rectify the problem.

Chapter 6.02

OVERTIME

Salaried employees shall not be entitled to extra monetary compensation for overtime hours, except as provided for in the annual salary ordinance for certain employees who record the minutes of official meetings or as provided by resolution of the Township Committee.

Hourly employees shall be paid at the rate of one and one half times their hourly base rate for all hours worked in excess of forty (40) in any one week; provided that all such overtime hours are authorized by the department head.

All overtime shall be calculated and earned in accordance with the Fair Labor Standards Act.

Chapter 6.03

LUNCH AND COFFEE BREAKS

General administration employees are entitled to a one-hour lunch break. Coffee breaks are a privilege, not entitlement. Lunch and coffee breaks will be scheduled to ensure proper coverage for all offices. Lunch break time and coffee break time cannot be combined and/or used to make up time for late arrivals, early departures or extended lunches except in extraordinary circumstances as specifically approved, in advance, by the Township Administrator.

Chapter 6.04

PERSONAL BUSINESS

All employees should refrain from conducting personal business during working hours. Employees are strongly discouraged from entertaining personal visitors or making/taking personal telephone calls during work hours. If such visit or call occurs, the length should be restricted to an absolute minimum.

When making a toll call for personal business, use a personal cellular phone, coin telephone, credit card or bill such calls to your home telephone number, or reimburse the Township for personal calls that appear on your department telephone bill. No "900" calls may be made from township telephones.

Children at Work: Municipal Buildings and work stations are for employees and those with whom employees conduct Township business, such as the public. Employees who bring any of their children to work may create liability issues for the Township and compromise the efficiency of Township business.

Employees shall not bring any of their children to work. Should an emergent situation arise, and an employee has exhausted his/her vacation and personal time (and sick time is not appropriate), whereby an employee has no alternative but to bring his/her child to work, said employee shall immediately notify the Township Administrator of such an emergency. On a case-by-case basis, the Township Administrator may allow an employee's child to remain at work for a reasonable amount of time until other accommodations can be made. Any employee who brings his/her child to work without the prior approval of the Township Administrator may be subject to disciplinary action.

Chapter 6.05

EMERGENCY CLOSING OF OFFICES

It may be necessary to close municipal offices because of adverse weather or other conditions. However, all employees in the Public Works and Police Departments must report to work if required by their respective department heads. To obtain information regarding emergency closings, employees may call the Municipal Building or the Police Department or check the Township's website

Chapter 6.06

EMERGENCY SERVICE VOLUNTEER WORK

Employees, who are volunteer members of the Montville, Pine Brook or Towaco Fire Departments or the Montville Township First Aid Squad, may be released from work to respond to emergency calls during working hours. The volunteer must notify his/her department head, in advance, of their intent to serve in such a capacity. An employee responding to an emergency call should, upon return to work, notify the department head of the type of emergency and the length of the absence.

Chapter 6.07

OUTSIDE EMPLOYMENT

Employees are permitted to seek jobs outside of Township of Montville employment if:

- They maintain the Township as their primary employer and
- Such employment does not impede the performance of their duties or conflict with their position with the Township.

Specifically, such employment may not be with, or for, a person or business whose activities the employee's department reviews, monitors or regulates, nor may an employee work for the agent of such a person or business (such as an attorney or engineer.)

Chapter 6.08

VOLUNTEER WORK

An employee considering service as an officer or board member of a professional, community or charitable organization, which service may require time away from Township duties, must first obtain approval from the Township Administrator.

Chapter 7

EMPLOYEE CONDUCT AND RIGHTS

CHAPTER 7.01 CODE OF ETHICS

Township employees are bound by the New Jersey Local Ethics Law. All township employees, while acting in the official capacity, will conduct themselves in a professional, objective, ethical manner and avoid any and all conflicts of interest. They shall not take part in, or attempt to influence in any way, any activity in which their own best interests (or those of a personal friend or a relative) are served and thereby in conflict with the best interests of the Township of Montville.

As holders of the public trust, Township employees must also avoid any appearance of conflict. An appearance of conflict is generally defined as a situation, which might cause the common person to suspect that there may be wrongdoing even if in actuality, there is no wrongdoing.

The following list of activities, while not all-inclusive, provides examples of activities, which may compromise an employee's ability to remain impartial, objective and ethical in the discharge of their official responsibilities and shall therefore be avoided.

- Accepting gifts or entertainment of \$100 or more from an outside organization
- Borrowing money from individuals or firms with which the Township of Montville does business, except recognized lending institutions
- Seeking any favor - Personal aggrandizement for profit or securing of confidential information for misuse by unauthorized personnel is a violation of the public trust and therefore dishonest
- Investing which conflicts with official duties - Employees should not invest or hold any investment, directly or indirectly, in any financial business, enterprise or commercial or other private transaction, which creates a conflict with their official duties
- Investing in real estate – The possibility of the use of confidential or insider information and knowledge to further an employee's personal interest requires special consideration. This guideline recognizes that an employee's official actions and decisions can be influenced if there is a conflict with their personal investments. Real estate purchases and sales, within the Township of Montville, (except a primary residence) which might be interpreted as speculation for profit, are to be avoided
- Holding outside employment, which interferes with their Township responsibilities, particularly working for a person or organization which you or your department is involved in regulating, overseeing, processing or reviewing applications or permits
- Disclosing confidential information - Employees shall not disclose to others, or use to further their own personal interest, confidential information acquired by them in the course of their official duties

Some general guidelines for ethical behavior are:

- When in doubt, err on the side of caution.
- Recognize that the chief function of local government, at all times, is to serve the best interests of the public.
- Recognize that elected representatives of the people are responsible for the establishment of municipal policies. Legal authority and responsibility for execution of those policies rests with the Township Administrator and designated department heads/employees.
- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and confidence of elected officials, fellow employees and the public.

Political Activity: An employee shall not:

- Engage in political activity during working hours or use Township office supplies or telephones or other resources for other than Township business.
- Directly or indirectly use his/her official position to control or affect the political action of another person.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly.

The Township Administrator is responsible for preventing and correcting any violations. All employees/officials are responsible for implementing this policy by reporting circumstances, which, appear to violate legal, regulatory or ethical requirements, including the appearance of any impropriety. Employees may, and are encouraged to, seek advice from the Township Administrator, the Assistant Township Administrator, or the State Local Ethics Board prior to engaging in an activity, which may violate the Local Ethics Law.

Chapter 7.02

WORKPLACE HARASSMENT/WORKPLACE CIVILITY

It is the policy of the Township that workplace harassment of employees is unacceptable conduct and will not be condoned nor tolerated when committed by employees, officials or agents of the Township in the workplace or in the course of work. Harassment of non-employees by employees is also prohibited. Furthermore, workplace harassment is illegal under federal and state laws.

The Township of Montville is dedicated to providing a work environment in which all employees are encouraged to achieve their highest levels of professional development free from workplace harassment. In all dealings with the public, officials, vendors, co-workers, etc., Township employees are expected to act in a respectful and civil manner. Harassment in the work place affects morale and interferes in the work productivity of its victims and co-workers. Workplace harassment is a form of discrimination when it involves actions taken against an employee on the basis of conduct not related to the employee's job performance.

Workplace harassment can range from verbal (oral, written or pictorial) abuse or body language and gestures, which create an intimidating, hostile or offensive working environment to physical violence. Examples of workplace harassment include teasing, bullying, racial, ethnic or gender slurs and other derogatory remarks, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal, written, or physical conduct.

Enforcement: It shall be the responsibility of the Township Administrator and all department heads to maintain a work environment free from workplace harassment of all types. The Township Administrator is responsible for acting promptly to review and correct any and all incidents of workplace harassment that are made known or seen by him/her.

Each employee is responsible for respecting the rights of their co-workers by avoiding offensive and/or inappropriate behavior. Any employee who commits an act of workplace harassment in violation of this policy shall be subject to disciplinary action, up to and including discharge from employment.

Complaints: Any employee who believes he/she has been subjected to workplace harassment by an employee, official or agent of the Township shall report the incident to the Township Administrator or the Assistant Township Administrator.

No retaliation will be taken against any employee who legitimately believes that he/she is being harassed. Any employee or official who engages in such retaliatory conduct shall be subject to disciplinary action, up to and including discharge from employment.

However, workplace harassment charges are very serious allegations with very serious implications. Any employee who intentionally fabricates a workplace harassment charge shall

be subject to disciplinary action, up to and including termination of employment.

Reports of workplace harassment should be made as quickly as possible after the incident, but shall be made at least within twenty (20) days of either the action or the date on which the individual should reasonably have known of its occurrence. The report shall be in writing, using the Complaint Form found in Appendix B, and shall specify the basis for the complaint. The complainant should try to be as specific and detailed as possible with respect to date, time, place, and witnesses, etc.

The Township Administrator will be responsible for expeditiously, confidentially and thoroughly investigating a complaint. The Township Administrator will meet privately with the complainant to discuss the incident, evaluate the validity and seriousness of the complaint. The complainant may request that this meeting be held with a designee of the Township Administrator who is of the opposite sex from the Township Administrator or the Township Administrator's designated representative. The Township Administrator will assure the employee that he/she will be free from any reprisal or retaliation as a result of filing a complaint.

The Township Administrator will meet privately with the alleged harasser to discuss the incident and to attempt to resolve it. If there are witnesses to the alleged workplace harassment incident, the Township Administrator will interview the witnesses as part of the investigation into the alleged incident. After a thorough investigation the Township Administrator will initiate remedial action, if necessary, or recommend remedial action, appropriate to prevent the reoccurrence of the offensive behavior or activity, if any has occurred. The Township Administrator will explain the Township's policy on workplace harassment and the need to keep such activities out of the workplace.

The Township Administrator will prepare a written report within five (5) working days of the date the complaint was filed including a summary of the incident, steps taken by the Township Administrator to prevent reoccurrence of any substantiated workplace harassment and any remedial or disciplinary action taken or recommended.

If the complainant or the alleged harasser is not satisfied with the outcome of the complaint he/she may file an appeal to the Township Committee. The appeal shall be in writing and shall be filed within twenty (20) days of the date the individual was notified of the Township Administrator's decision.

The Township Administrator may utilize a designee to perform any part, or all, of the investigation.

Allegations of harassment against the Township Administrator shall be reported to the Township Committee, whose designee will then take the place of the Township Administrator in the above discussion

Chapter 7.03

SEXUAL HARASSMENT

It is the policy of the Township that sexual harassment is unacceptable conduct and will not be condoned nor tolerated when committed by employees, officials or agents of the Township in the workplace or in the course of work. Sexual harassment of non-employees by employees is also prohibited. Furthermore, sexual harassment is illegal under federal and state laws.

The Township of Montville is dedicated to providing a work environment in which all employees are encouraged to achieve their highest levels of professional development free from unsolicited and unwelcome sexual overtures. Sexual harassment in the work place affects morale and interferes in the work productivity of its victims and co-workers. Sexual harassment is a form of discrimination when it involves actions taken against an employee on the basis of conduct not related to the employee's job performance.

Under federal law, "sexual harassment" is defined as "Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly as a term or condition of an employment; or when submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile or offensive working environment."

Examples of Sexual Harassment: Sexual harassment may take different forms. Some examples are:

- Making unwelcome sexual advances, or requests for sexual favors, a condition of employment
- Making submission to, or rejection of, such conduct the basis for employment decisions affecting the employee
- Creating an intimidating, hostile or offensive working environment by such conduct
- Making unwelcome, offensive remarks or engaging in physical contact with a subordinate or fellow employee that would not have been made but for the employee's sex, or which is sexually oriented to the extent that it would not occur but for the fact of the employee's gender;
- Harassment based solely on gender, which creates a hostile and offensive work environment
- Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats;
- Suggestive, obscene or insulting objects, pictures, emails, sounds or gestures, graphic commentaries, leering or whistling
- Unwanted physical contact, including touching, pinching, brushing the body or pushing
- Non-sexual conduct such as intimidation and hostility based solely upon gender

- Caricatures or representations of persons using electronically or physically altered photos, drawings, or images

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Enforcement: It shall be the responsibility of the Township Administrator and all department heads to maintain a work environment free from sexual harassment of all types. The Township Administrator is responsible for acting promptly to review and correct any and all incidents of sexual harassment that are made known to, or seen by, him.

Each employee is responsible for respecting the rights of their co-workers by avoiding offensive and/or inappropriate sexual behavior. Any employee who commits an act of sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including discharge from employment.

Complaints: Any employee who believes he/she has been subjected to sexual harassment by an employee, official or agent of the Township shall report the incident to the Township Administrator or the Assistant Township Administrator. No retaliation will be taken against any employee who legitimately believes that he/she is being sexually harassed.

Sexual harassment charges are very serious allegations with very serious implications. Any employee who intentionally fabricates a sexual harassment charge shall be subject to disciplinary action up to, and including, termination of employment.

Reports of sexual harassment should be made as quickly as possible after the incident, but shall be made at least within twenty (20) days of either the action or the date on which the individual should reasonably have known of its occurrence. The report shall be in writing, using the Complaint Form found in Appendix B, and shall specify the basis for the complaint. The complainant should try to be as specific and detailed as possible with respect to date, time, place, witnesses, etc.

The Township Administrator will be responsible for expeditiously, confidentially and thoroughly investigating a complaint. The Township Administrator will meet privately with the complainant to discuss the incident and evaluate the validity and seriousness of the complaint. The complainant may request that this meeting be held with a designee of the Township Administrator who is of the opposite sex from the Township Administrator or the Township Administrator's pre-designated representative.

The Township Administrator will assure the employee that he/she will be free from any reprisal or retaliation as a result of filing a complaint. Any employee or official who engages in such retaliatory conduct shall be subject to disciplinary action, up to and including discharge from employment.

The Township Administrator will meet privately with the alleged harasser to discuss the incident and to attempt to resolve it. If there are witnesses to the alleged sexual harassment incident, the Township Administrator will interview the witnesses as part of the investigation into the alleged incident. After a thorough investigation the Township Administrator will initiate or recommend any required remedial action, which is appropriate to preventing the reoccurrence of any offensive behavior or activity. The Township Administrator will explain the Township's policy on sexual harassment and the need to keep such activities out of the workplace.

The Township Administrator will make every effort to complete a written report within five (5) working days of the date the complaint was filed including a summary of the incident, steps taken by the Township Administrator to prevent the reoccurrence of any substantiated sexual harassment and any remedial or disciplinary action taken or recommended.

If the complainant or the alleged harasser is not satisfied with the outcome of the complaint he/she may file an appeal to the Township Committee. The appeal shall be in writing and shall be filed within twenty (20) days of the date the individual was notified of the Township Administrator's decision.

The Township Administrator may utilize a designee to perform any part or all of the investigation.

Allegations of harassment against the Township Administrator shall be reported to the Township Committee, whose designee will then take the place of the Township Administrator in the above discussion.

Any questions regarding interpretation of this policy, or clarification of your rights, should be directed to the Township Administrator or the Assistant Township Administrator.

Chapter 7.04

WORKPLACE VIOLENCE

The Township of Montville will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Township property, at Township events or under other circumstances that may negatively affect the Township's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person
- Making threatening remarks
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress
- Intentionally damaging Township property or property of another employee
- Possession of a weapon while on Township property or while on Township business, except law enforcement officers so authorized by the Police Chief
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Township will actively intervene in any potentially hostile or violent situation by any person against another person, on Township property or at Township events.

Chapter 7.05

AMERICANS WITH DISABILITIES ACT POLICY

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, the Township of Montville does not discriminate based on disability. The Township will endeavor to make every work environment handicap accessible, and all future construction and renovation of facilities will be in accordance with the applicable barrier free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township of Montville to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act, and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township.

The Township Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Township Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township of Montville to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

Chapter 7.06

CONTAGIOUS OR LIFE THREATENING ILLNESSES POLICY

The Township of Montville encourages any employee with a contagious disease or life-threatening illness such as cancer, heart disease, Hepatitis C and HIV/AIDS to continue his/her normal pursuits, including work, to the extent allowed by the disease or illness. As in the case of other disabilities, the Township of Montville shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs as long as they are able to meet acceptable performance standards.

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

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

Chapter 7.07

WHISTLE BLOWER LAW

The Township of Montville acknowledges that Township employees have a moral, ethical, professional and/or legal obligation to report, to the proper authorities, any suspected wrongdoing of the Township, Township officials or Township employees and agents. This shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Township officials, employees or agents shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, department head, the Township Administrator other official or to a public body (as defined in the Conscientious Employment 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, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare

In accordance with the statute, the employee must bring the violation to the attention of the Township Administrator. However, disclosure 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 emergency in nature. Employees should report incidents in writing using the Complaint Form found in Appendix B, but may make a verbal complaint to the department head, the Assistant Township Administrator or the Township Administrator.

Under the law, the employee must give the Township a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in established grievance procedures. In accordance with the statute, a copy of this policy will be posted in all facilities.

Chapter 7.08

APPEARANCE/UNIFORMS

Each employee is expected to dress appropriately for the job. Generally, employees are expected to project a professional image. Appropriate standards should be set by each department head considering such factors as:

- Nature of work
- Safety, including necessary precautions when working with, or near, machinery
- Nature of employee contact with the public and the normal expectations of outside parties toward employees
- Dress of others in similar jobs
- Consideration of the professional image the Township of Montville wishes to project

Employees may be subject to disciplinary action if they fail to conform to established standards. No disciplinary action may take place until any dispute regarding acceptable standards has been resolved.

Uniforms: Employees who are provided with uniforms or a clothing allowance are expected to wear their uniforms while on duty. Failure to wear a uniform in accordance with departmental rules may result in disciplinary action.

The Township Administrator may specify which employees must wear steel-toed safety shoes or which job duties require the wearing of safety shoes. The shoes shall be charged against the employee's clothing allowance. In the absence of said allowance, the employee is entitled to, and will be reimbursed for, said shoes if prior approval was given to purchase the same.

Chapter 7.09

TELEPHONE PROTOCOL

Department heads will instruct employees in telephone usage procedures and proper telephone answering techniques, including the following:

- Answer telephones promptly and courteously
- Identify the department and give your name (first and/or last name)
- When taking messages, get the caller's name, telephone number including area code and a brief message. Also indicate the date and time of the call and your initials

Chapter 7.10

BARGAINING UNIT MEMBERSHIP, ACTIVITIES AND FEES

Affiliations: Employees have the right to choose whether or not to affiliate with the recognized employee bargaining unit. No employee shall be required to join any organization as a condition of employment.

Employees who affiliate with a recognized bargaining unit may be subject to payroll deductions for dues in accordance with the provisions of a negotiated agreement. As provided for in a negotiated agreement, representation fees may also be deducted from the paychecks of those employees who choose not to affiliate with the recognized bargaining unit.

Department heads, supervisors, administrators, elected officials and bargaining unit leaders/members shall not discriminate against, interfere with or use coercion against any employee because his/her affiliations or non-affiliations.

Labor Activities: Regular meetings of a recognized bargaining unit shall be held after working hours. Unless provided for in a negotiated agreement, bargaining unit members or representatives will not be relieved of their work responsibilities for labor activities during the workday.

Strikes and Lockouts: State law prohibits Township employees from engaging in any work stoppage, walkout or other job action against the Township. The Township will not institute a lockout against its employees.

Chapter 7.11

REIMBURSEMENT FOR EXPENSES

Employees, who receive advance approval from their department head, or selected officers of Boards and Commissions, will be reimbursed for legitimate expenses, not to exceed \$250. Police Department personnel will be reimbursed for an amount up to \$500 for the purchase or maintenance of uniforms on the uniform list.

In the event that there is an emergency and a vendor will not accept a purchase order, employees, or selected officers of Boards and Commissions, may spend in excess of \$250 with written approval from the Township Administrator. All requests for such reimbursement must be itemized and substantiated by receipts.

Use of personal vehicles for Township business is reimbursed at the rate specified by a Township Committee Resolution.

Petty Cash: The Township of Montville has approved petty cash funds. Petty cash may be disbursed only for the immediate payment/reimbursement of small expenditures and may not be used to circumvent regular purchasing procedures. The maximum payment/reimbursement of petty cash funds shall not exceed \$50.

Chapter 7.12

DISPUTE RESOLUTION

Any employee who has a complaint or disagreement with the interpretation, application or violation of established policies, agreements or administrative decisions is encouraged to try to resolve these problems by discussing them frankly with the department head. Employees are strongly encouraged to make any formal complaints in writing, using the Complaint Form found in Appendix B, to the Township Administrator or the Assistant Township Administrator. However, verbal complaints will also be accepted if made to the Township Administrator or the Assistant Township Administrator.

Chapter 7.13

INTELLECTUAL PROPERTY

The Township maintains an exclusive ownership interest in any intellectual property created by Township employees in the course of, or as a direct result of, their duties with the Township or where Township resources or facilities were utilized in the creation of the property.

Chapter 8

MUNICIPAL FACILITIES AND EQUIPMENT

Chapter 8.01

BUILDING SECURITY

The Township of Montville will make every attempt to assure a secure building. However, because the public has access to the general office areas and the private offices, the Township assumes no responsibility for employees' personal property beyond maintenance of a reasonably secure building. Each employee should monitor the security of his/her own work area or office.

Chapter 8.02

EMPLOYEE SAFETY

The health and safety of all employees is a major concern of the Township. The Township is equally concerned about the safety of the public. For the protection and welfare of employees and the public, the Township will ensure its operations are in accordance with the safety provisions defined by the following:

- PEOSHA (Public Employees Occupational Safety & Health Act)
- OSHA (Occupational Safety & Health Act)
- Fire Prevention Bureau
- New Jersey Department of Labor
- Morris County Municipal Joint Insurance Fund

Safety Equipment and Procedures: The department head is responsible for ensuring that each employee is supplied with the appropriate safety equipment and periodic safety training. Employees must follow proper safety procedures and wear any safety equipment issued to the employee, as required. Failure to do so may result in disciplinary against the employee.

Reporting of Unsafe Conditions: The Township has appointed a Safety Officer and a Safety Committee to meet on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative. Accidents or unsafe conditions are to be reported by employees through their supervisors and department heads to the Safety Officer and the Township Administrator via the forms provided for that purpose. The Safety Officer will review all such reports with the Safety Committee and will forward these reports with recommendation for action to the Township Administrator. Any on-the-job accident or accident involving Township facilities, equipment or motor vehicles must also be immediately reported.

911: To request police assistance or ambulance service or to report a bomb threat, fire or other imminently threatening hazard, call 911.

Chapter 8.03

DRUGS & ALCOHOL AND EMPLOYEE ASSISTANCE

The Township of Montville 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 of Montville 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 of Montville 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 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.

Drug and Alcohol Testing

The Township adopts pre-employment drug testing, reasonable suspicion drug and alcohol testing, post-accident drug and alcohol testing and follow-up 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. Those employees in a position that requires a Commercial Drivers License (CDL) will be tested for alcohol and drugs in a manner consistent with applicable Federal and State testing practices.

The Township adopts NIDA cutoff standards to determine positive results for initial and confirmation drug tests. An alcohol concentration of 0.04% 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.

Applicants and employees subject to testing must, prior to testing, sign a form agreeing to the testing, authorizing the release of test results to the Administrator and authorizing the disclosure of the results to any other person the Administrator determines needs to know for the safety welfare of the other employees and the residents of Township of Montville.

The Township will afford the applicant and/or employee subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs and controlled substances he or she has used and to explain the circumstances surrounding the use of such drugs and controlled substances. The Township may use such information in connection with Township business and for purposes of employment and disciplinary actions.

A. Pre-Employment Drug Testing

All job applicants for positions 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 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 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 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 testing.

D. Follow-Up Alcohol and Drug Testing

It shall be a condition of employment for all employees to submit to alcohol and/or drug testing where employment has been conditioned upon remaining alcohol or drug free following treatment. The employee will cover the cost of follow-up drug and/or alcohol testing.

E. Alcohol and Drug Testing – Positive Test Result

Any employee with a confirmed positive test result for the presence of alcohol or drugs, or who violates any component of this policy, will be subject to disciplinary action, up to and including termination.

F. Conviction of a Drug or Alcohol Related Offense

Any employee who is convicted of a drug or alcohol related offense must report the conviction to the Township Administrator within three (3) business days of the conviction whether or not the violation occurred in the workplace. The Township Administrator may:

- Take appropriate personnel action against such an employee up to, and including, termination
- Require said employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency
- Report offenses to law enforcement officials and prosecute any employee or visitor who violates the prohibitions of this policy.

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

No prescription drug should be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs should be used only as prescribed or indicated.

If an employee takes an over-the-counter medication or prescribed drug, the employee must consult his or her prescribing medical 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. The Department Head is required to maintain the confidentiality of any information regarding an employee's medical condition (in accordance with the Health Insurance Portability and Protection Act). Should it be determined that the use of sick time, or any other appropriate leave, be the best course of action, the employee will be counseled accordingly.

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. The Department Head, in consultation with the Administrator, will determine whether the Township should temporarily change the employee's job assignment during the period of treatment.

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 of Montville. 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 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 such outside services are the employee's responsibility.

Applicable personal, sick, or vacation time may be used or 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 and follow through with the recommendations of a Licensed Clinical Drug and Alcohol Counselor (LCADC). Employees who voluntarily enter rehabilitation on more than one occasion, however, may be subject to disciplinary action up to and including immediate termination.

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 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. If an employee fails to remain alcohol and/or drug free after the first voluntary rehabilitation, he/she may be terminated.

It is the Department Head's responsibility to counsel employees whenever they see changes in performance or behavior that suggests an employee has an alcohol or drug problem. Although it is not the Department Head's job to diagnose personal problems, the Department Head should encourage such employees to seek help and advise them about available resources for getting help.

Department Heads are responsible for taking appropriate action any time an employee's behavior or performance raises any question about the employee's ability or physical condition to do his/her job safely and properly.

Employees exhibiting behavior problems should be handled, like any other disciplinary problem, as discreetly as possible. Leaping to conclusions or making a public display of sending an employee to a clinic could expose the employer to claims of defamation, intentional infliction of emotional distress, invasion of privacy, or other legal action.

The Department Head will give the employee a chance to explain, selecting a private location out of the hearing of other employees. The Department Head will confine questions and statements to specific performance and behavior, and not ask about drug or alcohol use. The Department Head should set an appropriate schedule and performance standards for improving the employee's behavior and inform the employee

that he or she can be discharged if performance does not improve. The Department Head should make a written record of the discussion and notify the Township Administrator of the occurrence.

The Department Head's determination that reasonable suspicion exists to require the employee to undergo an alcohol and/or drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of drugs.

A Department Head who believes that an employee has violated the Township's Alcohol and Drug-Free Workplace policy must report the suspected violation to the Township Administrator and immediately complete a Supervisor's Report of Reasonable Suspicion. See Appendix D - Supervisor's Report of Reasonable Suspicion. The Division Head should forward the Supervisor's Report of Reasonable Suspicion to the Township Administrator immediately. The Administrator will determine whether to require the employee to submit to drug and/or alcohol testing.

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

Do's and Don'ts for Supervisors

DON'T try to diagnose the problem

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

DON'T be misled by "con" stories or sympathy evoking tactics.

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

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

DO consult with the Department Head, Assistant Township Administrator or Township Administrator.

Chapter 8.04

USE OF TOWNSHIP VEHICLES, EQUIPMENT AND SUPPLIES

Vehicle Procedures: Employees assigned vehicles, or department heads whose units are assigned vehicles, are responsible for ensuring vehicles are clean, in good operating condition, serviced according to the established preventative maintenance schedule and inspected by the New Jersey Division of Motor Vehicles as required.

Current insurance cards will be provided by the Township Administrator's office and placed in vehicle glove compartments by the employee or department head responsible for that vehicle. It is the operator's responsibility to be sure the current vehicle registration and insurance card are in the vehicle.

Department heads shall control employee use of vehicles, which have been assigned to their work unit. Vehicles shall be used only for official, work-related activities, except where provided for otherwise by contract or prior agreement with the Township Administrator. Only authorized persons may be transported in Township vehicles. Unauthorized personal use of vehicles is prohibited and shall be cause for disciplinary action and/or termination of employment.

Any employee, who drives his/her own vehicle or a township vehicle, while on township business, must possess a current, valid New Jersey driver's license. Suspension or revocation of the driver's license must be immediately reported to the department head and the Township Administrator. Loss of driving privileges may result in termination of employment if driving is an integral part of the job. Periodically, the Township Administrator will request driving record abstracts from the NJ Division of Motor Vehicles or alternative sources.

Any damage to Township vehicles must be reported, via the form available from the Township Administrator, to the Safety Officer by the end of the next working day. Any employee found to be negligent in the operation of a Township vehicle may be subject to disciplinary action.

Driver Criteria Policy: The Township of Montville (hereinafter referred to as the Employer) is committed to keeping fleet accidents to a minimum. A key to the success of this program is to make every effort to assure that only qualified drivers are operating vehicles on behalf of the Employer. For that reason, we order Motor Vehicle Reports (MVRs) on all employees driving Employer vehicles. MVRs will be obtained prior to hiring and annually thereafter. Those people who do not meet the criteria set out below will not be permitted to drive on behalf of the Employer.

The following grading system is for the evaluation of drivers' MVRs. A check mark should be placed in the squares prior to the appropriate number to indicate the driver's grade. The grading system for employee driving records is as follows:

- 1. Acceptable. No moving violations and/or accidents over the last 36 months.
- 2. Marginal: Up to 2 moving violations and/or accidents in the last 36 months.
- 3. Probation: Up to 3 moving violations and/or accidents within the last 36 months.
- 4. Unacceptable: More than 3 moving violations and/or accidents within the last 36 months or more than 2 moving violations and/or accidents within the most recent year.

Any of the below violations will be considered an automatic unacceptable grading:

	<u>Date of Offense</u>
<input type="checkbox"/> Driving while under the influence (DWI or DUI)	_____
<input type="checkbox"/> Leaving the scene of an accident	_____
<input type="checkbox"/> Careless or reckless driving violations	_____
<input type="checkbox"/> Homicide or assault through the use of a motor vehicle	_____
<input type="checkbox"/> Drivers who currently have a revoked or suspended license	_____
<input type="checkbox"/> Attempting to elude a police officer	_____
<input type="checkbox"/> Passing a school bus	_____

All employees authorized to drive vehicles owned or controlled by the Employer shall have their MVRs reviewed annually prior to entrustment of a vehicle.

Drivers with acceptable, marginal or probation grading *may* be allowed to operate Employer's vehicles.

Drivers with marginal or probation grading shall have their MVRs reviewed semi-annually. Any increase in violations or accidents will result in removal of driving privileges.

Drivers with unacceptable grading will not be permitted to operate an Employer owned vehicle.

If an accident is shown on an MVR, it shall be assumed that it is an at-fault, chargeable accident. Any change to such a classification will be made only upon receipt of a police report or ruling from our Safety Committee showing that the driver in question was not at fault.

No Smoking in Township Vehicles: Smoking in Township vehicles is prohibited

Cell Phone Use in Township Vehicles: Unless utilizing a ‘hands-free’ device, cell phone use is prohibited while operating Township vehicles.

Mandatory Use of Seatbelts: All employees driving municipal vehicles or another vehicle on Township business, are required to wear seat belts and assure that any passengers also do so, in compliance with State Law. (This does not apply to police officers on patrol or responding to an emergency.) Department heads are responsible for enforcement of this policy and must train, supervise and discipline employees in the use of seat belts. Failure to use seat belts may result in disciplinary action against the driver failing to use seat belts and his/her department head.

Other consequences to the driver of a vehicle in which the use of seat belts is ignored may be:

- Loss of workmen's compensation claim or related benefits
- They may be required to indemnify the Township
- In recovery suits, they may be precluded from or limited to partial recovery

Use of Township Equipment and Supplies: Township equipment and supplies assigned to employees are the responsibility of those employees and are to be used for Township business only. Unauthorized use or removal, of Township equipment and/or supplies, shall be cause for disciplinary action and/or termination of employment. Use of Township equipment and/or supplies that violates departmental rules and regulations shall be cause for disciplinary action and/or termination of employment.

Chapter 8.05

SMOKE-FREE BUILDINGS

All public buildings in the Township have been designated as "Smoke-Free."

Each department head shall be responsible for enforcing the non-smoking policy for his/her department and physical area. In the case of public meetings, the Chairman or Acting Chairman of any meeting shall be responsible for enforcing the non-smoking policy.

Chapter 8.06

SYSTEMS POLICY

(Including E-Mail, Voice Mail, Telephones, Computers and the Internet)

The Township of Montville respects the individual privacy of its employees. However, e-mail, voicemail, Internet, Township issues cellular devices and the computer network are for official business and use for non-business purposes is prohibited. All e-mail, voice mail, and internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

A. Management's Right to Access Information

E-mail, voicemail and computer network systems have been installed by the Township to facilitate business communications. The contents of the systems are accessible at all times by the Township. These systems should be treated like other shared filing systems.

E-mail and voicemail messages, to the extent these systems are utilized, are Township records. The Township reserves the right to monitor, obtain, review, and disclose all e-mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Township, as deemed necessary and appropriate and without prior notice. By using the Township's e-mail, computer systems, voice mail and the Internet, each user agrees that the Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer system, voicemail, and the Internet.

B. Care in the Use of E-mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Township's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information because of the ease with which such information can be distributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed via e-mail, voice mail, Internet, text messaging, or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations, or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or mobile/cellular telephone. This section also applies in of duty scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable law, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisor as soon as

practical. For the purposes of this section, an ‘emergency situation’ involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images or any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with a personal or agency analog or digital device, camera, or mobile/cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator.

C. Personal Use of E-Mail, Voice Mail, Internet and Computer Network Systems

Because the Township provides e-mail, voice mail, Internet, mobile/cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The Township reserves the right to access and disclose as necessary all messages sent over its system, without regard to content.

Since the contents of e-mail and voice mail may be accessed by the Township without prior notice to employees and since the Township can monitor employees’ use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, MySpace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or on any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee’s fitness for duty or constitutes a violation of the personnel policies of the Township. Moreover, employees should not use these systems for soliciting or proselytizing other for commercial ventures, religious or personal causes, outside organizations, or other similar, non job-related solicitations.

D. Forbidden Content of E-Mail, Voice Mail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voice mail, Internet computer systems network systems, or Township issues mobile/cell phone or any other Township issues electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include, but are not limited to, sexually explicit messages, unwelcome propositions, ethnic or racial slurs, or any other message than can be construed to be harassing or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, nation origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

E. Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's message in the e-mail, voice mail, Internet, or computer network systems including but not limited to all secured access software that employees may have access to.

APPENDIX A

ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL MANUAL

I hereby acknowledge that I have received a copy of the Township of Montville's Personnel Manual on the date indicated below. I further acknowledge that I have read and do understand the disclaimer which is contained in Chapter 1 - Introduction and that my department head or the Township Administrator has answered any questions I might have had about the meaning of the disclaimer in this Manual.

I understand that this personnel manual is not to be construed as a contract of employment, nor is it a guarantee of any particular term of employment. Unless otherwise provided by statute, contract or Department of Personnel rules and regulations, Township employees are "At Will Employees" who serve at the pleasure of the Township. Within Federal and State law, (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the Township shall have the right to terminate my employment at any time and for any reason, with or without notice, except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

Name _____

Department _____

Signature _____

Date _____

This copy remains in the Personnel Manual.

**APPENDIX B
EMPLOYEE COMPLAINT FORM**



Township of Montville

Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____

DEPARTMENT: _____

TITLE: _____

SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY _____ DATE: _____

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

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

This complaint, including any attachments is _____ pages.

BY: _____ DATE: _____

June 25, 2013

**APPENDIX C
EMPLOYEE COMPLAINT NOTIFICATION LETTER**



Montville Township
195 Changebridge Rd. Montville, New Jersey 07045
(973) 331-3300 FAX (973) 402-07787

May 8, 2012

To All Township Employees:

The Township of Montville has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Township Administrator, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

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

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Township Administrator or the Township Attorney. No retaliatory measures will be taken against any employee who complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

Please sign the acknowledgement receipt below and return it to me.

Sincerely,

Victor M. Canning
Township Administrator

June 25, 2013

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee's personnel folder

APPENDIX D

SUPERVISOR'S REPORT OF REASONABLE SUSPICION

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

_____ a.m.
 _____ p.m.
 EMPLOYEE NAME TIME OF INCIDENT DATE OF INCIDENT

 SUPERVISOR DEPARTMENT HEAD

Incident Or Cause for Suspicion

Yes No

- ___ ___ Observed abnormal or erratic behavior
- ___ ___ Observed or reported possession of a prohibited substance
- ___ ___ Apparent drug or alcohol intoxication
- ___ ___ Arrest or conviction for drug-related offense
- ___ ___ Other (please explain)
- _____
- _____
- _____

Unusual Behavior

Yes No

- ___ ___ Extreme aggressiveness or agitation
- ___ ___ Withdrawal, depression, mood changes, or unresponsiveness
- ___ ___ Verbal abusiveness
- ___ ___ Physical abusiveness
- ___ ___ Inappropriate verbal response to questioning or instructions

___ ___ Other (please explain)

Physical Signs or Symptoms

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

Description of Events

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