



# **Township of Pequannock**

## **PERSONNEL**

### **POLICIES AND PROCEDURES**

### **MANUAL / EMPLOYEE HANDBOOK**

The Township of Pequannock is an Equal Opportunity Employer

Adopted – September 9, 2025

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## **GENERAL PERSONNEL POLICY: At-Will Statement & Disclaimer**

The contents of this Personnel Policies and Procedures manual (“the Manual”) summarize the current benefits and guidelines within the Township of Pequannock/Township (“the Employer”) and are intended as guidelines only.

The Township of Pequannock reserves the right to change, delete, suspend, or discontinue any part or parts of this Manual at any time, without prior notice, and any such action shall apply to existing as well as future employees. You should be aware that these benefits and guidelines may be changed at any time, and that depending upon the circumstances of a given situation, the Employer’s actions may vary from the provisions of this Manual. **As such, the contents of the manual do not constitute the terms of a contract of employment.**

**It should be noted that nothing contained in this Manual should be construed as a guarantee of continued employment. Unless otherwise provided by applicable law, collective negotiations agreement or individual contract of employment, employment with the Township is on an at-will basis. At will employment means that either the employee or the Township, may terminate the employment relationship at any time, with or without notice and with or without cause, for any reason not expressly prohibited by law. Any exception to at-will employment not mandated by applicable law must be expressly authorized and signed by a duly authorized official of the Township.**

This Manual supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that the Township will comply with all federal, state and local laws. Should any provision in this Manual be found to be unenforceable and/or invalid, such finding does not invalidate the entire Manual, but only the subject provision. Many of the policies in this handbook shall also apply in equal force to volunteers of the Township of Pequannock.

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

**This Manual has been written so as not to conflict with the collective negotiations agreements between the Township and its unionized employees. If there is a conflict between this Manual and any collective negotiations agreement, the provisions of the collective negotiations agreement will prevail for those employees covered by the terms of that agreement. This Manual has been written so as not to conflict with the provisions and mandates of the laws and regulations governing employment in the State of New Jersey. If there is a conflict between this Manual and any such mandate pursuant to law, such law will prevail for all employees for whom such law applies.**

## **GOVERNMENT**

The Township of Pequannock is governed as a Faulkner Act Council-Manager community. In adherence to this form of government, the Council consists of five members who represent the citizens of the Township. They are elected for four-year terms. The Mayor, who serves as the presiding officer of the Township Council, is selected annually by council from among themselves. The council serves as the legislative body of the Township, directing the policy decisions. In addition, each department has its own organizational structure available from the Department Head.

The Township Manager serves as the Chief Executive and Administrative Officer of the municipality. The Manager's responsibilities include execution of the policies established by Council, conducting the daily business of the Township and managing all personnel matters, departments and other Township entities. The Council-Manager form of government allows for the day-to-day functions of the Township to be administered in an efficient and businesslike manner.

Township employees are the operators of local government whose actions represent the interests of the public. Your performance of your job reflects a commitment to a safe and efficient Township operation for the good of the community. The public counts on you to do a good job.

# **CHAPTER ONE**

## **Policies Relating to Employee Rights and Obligations**

## **Chapter 1.01: Anti-Discrimination/Equal Employment Policy**

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

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

## **Chapter 1.02: Americans with Disabilities Act & Pregnant Workers Fairness Policy**

The Township of Pequannock complies with the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the federal Pregnant Workers Fairness Act (“PWFA”). The Township will not discriminate against any qualified individual with a disability or with known limitations related to pregnancy, childbirth or related medical conditions, with respect to any terms, privileges, or conditions of employment, such as recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall and termination because of that person’s physical or mental disability, pregnancy, pregnancy-related medical conditions, breastfeeding or childbirth. A qualified individual is an individual who, with or without reasonable accommodation for a known or disclosed disability, can perform the essential functions of the employment position held or sought without posing a direct threat to the health and safety of him/herself or to others. Reasonable accommodation means any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges or employment equal to those enjoyed by employees without disabilities, that does not impose an undue hardship on the Township.

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

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

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

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

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

Requesting Accommodation. Individuals requesting reasonable accommodation should direct their written request to the Township Manager. In the written request, the employee or perspective employee shall describe the nature of the disability or include an explanation of the pregnancy-related limitation and identify the nature of the accommodation or consideration desired.

The Township is obligated to reasonably accommodate known of disclosed disabilities unless the disability is obvious or readily apparent. The Township cannot offer reasonable accommodation to a disability or limitation due to pregnancy or childbirth related condition that has not been made know or disclosed by an individual.

Once submitted, the individual is expected to engage in a good faith “give and take” process with the Township to resolve the issue. The Township may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Township will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability or employee affected by pregnancy or childbirth unless the accommodation would impose an undue hardship on the Township’s business operation. The Township is required to offer a reasonable accommodation, not necessarily the best accommodation or the accommodation preferred by the individual.

To further the Township’s nondiscrimination policy, the Township will:

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

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

All information pertaining to disabilities, reasonable accommodation, or any medical information disclosed by or received from or related to employees or applicants, including but not limited to medical reports or documentation, shall be kept confidential, shall be stored separately from general personnel files, and shall be disclosed only to those persons and under those circumstances permitted by law. See Chapter 1.03: Confidentiality of Medical Information.

## **Chapter 1.03: Confidentiality of Medical Information**

Information pertaining to the personal health, medical and psychological conditions, illnesses or physical and mental limitations, or impairments of employees, including but not limited to medical and psychological reports and doctor's notes, is confidential, shall not be disclosed to the public, and may be disclosed to such persons only to the extent permitted by applicable law.

The Township will take reasonable precautions to protect employee medical information from inappropriate disclosure, including but not limited the following:

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

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

## **Chapter 1.04: Safety Policy**

The Township of Pequannock endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”). The Township is equally concerned about the safety of the public. The Township therefore reserves the right to adopt, in its discretion, safety rules and standards that equal or exceed PEOSHA requirements.

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

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

## **Chapter 1.05: Transitional Duty Policy**

The Township will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and may not exceed forty-five (45) 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.

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

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Township Manager. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Township Manager 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 or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, or other Federal or State law.

## **Chapter 1.06: Alcohol and Drug Free Workplace**

The Township recognizes that the possession or use of unlawful drugs and the abuse of alcohol or cannabis lawfully purchased pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Township Manager.

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

The manufacturing, distribution, dispensation, display, possession, and use of alcohol, cannabis or unlawful drugs on Township premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government. Police officers shall be subject to random drug testing as required by the directives of the New Jersey Attorney General and by Police Department rules, regulations and standard operating procedures.

Employees using prescription drugs that may affect job performance or safety must notify the Township Manager of this fact. The specific medication being taken and the condition being treated shall not be disclosed. The employee need only report that his or her ability to safely and effectively perform job functions will be impaired.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

## **Chapter 1.07: Workplace Violence Policy**

The Township of Pequannock will not tolerate workplace violence.

Threats or Acts of Violence Defined. A threat or act of workplace violence is any act or threat of physical violence, abuse, intimidation or other threatening disruptive behavior that occurs on the work site or during work hours and involves employees, members of the public, or community. Examples of prohibited workplace violence include, but are not limited to, the following:

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

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

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

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

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

- Hitting, fighting, pushing, or shoving an individual or throwing objects;
- Threatening to harm an individual or his/her family, friends, associates, or their property;
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the Township;
- Making abusive or threatening telephone calls, letters or other forms of written or electronic communications;
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Township;

- Abusive surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;
- Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Township property.

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

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

Procedures for Dealing with and Reporting Acts of Workplace Violence. Each employee and every person on Township property is encouraged to report incidents or threats of acts of physical violence of which she or he is aware. When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact your Department Head or the Township Manager. The Department Head will contact the Township Manager, who will take responsibility for coordinating a response to the incident. In cases where the reporting individual is not an employee, the report should be made to the local police department.

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

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

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

Confidentiality and Retaliation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Although complete confidentiality cannot be guaranteed, the Township will not disclose the identity of a complaining party unless necessary to investigate the matter or to take remedial action. Employees shall refer any questions regarding his or her rights and obligations under the policy to the employee's Department Head or Township Manager.

## **Chapter 1.08: Policy Against Harassment**

Purpose. Harassment as defined in this Policy is a form of unlawful discrimination. This policy is designed to ensure all employees a work environment free of harassment based upon a protected status, including but not limited to, sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees about harassment based upon a protected status, and to provide employees with a procedure to bring complaints regarding harassment to management's attention.

Applicability. This policy applies to all individuals employed by the Township of Pequannock, all volunteers working on behalf of the Township, independent contractors, vendors and all other parties, engaged in a professional business relationship with the Township. In addition, no employee shall be required to withstand behavior from the public which violates this policy.

Provisions. All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Township of Pequannock prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status or criterion protected by law. Harassing conduct under this Policy includes, but is not limited to:

- A. Treating an individual less favorably based on a person's protected group status;
- B. Using derogatory or demeaning slurs to refer to a person's protected group status;
- C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;
- D. Using derogatory references regarding a protected group status in any job-related communication;
- E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or
- F. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

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

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

Sexual Harassment. It is Township policy to prohibit and prevent sexual harassment of an employee by another employee or any management representative, supplier, volunteer, business invitee, or any other person, including non-employees. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. Sexual harassment of non-employees by Township employees is also prohibited and to be prevented.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct are expressly prohibited.

Other prohibited conduct includes but is not limited to: offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; improper or unwelcome notes or invitations; physical conduct (touching, assault, impeding or blocking movements); and/or derogatory or demeaning comments about a person's sex, gender, gender identity, or sexual orientation.

Prohibited conduct also includes any abusive, hostile, or unwelcome statements or conduct directed against an individual because of that person's sex, gender, gender identity or sexual orientation-related meaning.

Complaint Procedure. Any employee who feels he or she has been subjected to harassment prohibited under this policy should report the incident directly to the designated Affirmative Action Officer. The designated Affirmative Action Officer will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Alternatively, any employee who feels he or she has been subject to harassment should report the incident directly to the Township Manager. The Township Manager will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The titles and telephone numbers of the designated Affirmative Action Officer and Township Manager are contained in the Contact Information attached to this policy.

Any individual uncomfortable reporting an incident to the designated Affirmative Action Officer and/or Township Manager should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this

policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment.

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

The Township of Pequannock strongly encourages employees who witness conduct which they believe violates the Township's Policy Against Harassment to report the violation pursuant to this complaint procedure. The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed. Supervisory personnel are required to report any potential incident of harassment that comes to their attention and to take immediate remedial action when warranted.

Investigation Procedure. The Township of Pequannock shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The designated Affirmative Action Officer and/or Township Manager shall designate an objective investigator to determine the validity of any complaint.

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

If the Township determines that the complaint has merit, the accused shall face appropriate corrective action based upon the severity of the complaint and any prior history of past charges against the individual. Corrective action may include disciplinary action, such as a written warning, suspension, demotion, and/or termination of employment. Upon completion of the investigation, the entire file shall be maintained in a secure location with the Township.

All parties are expected to be truthful in all phases of the complaint and investigation process. Any person found to have intentionally submitted a false complaint or report, or to have intentionally provided false information during a harassment investigation, will be subject to appropriate discipline.

Privacy. To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation or for subsequent corrective/disciplinary action. Any

employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment.

Alternatively, the supervisor shall report the matter to the designated Affirmative Action Officer and/or Township Manager for resolution. In addition, supervisory personnel will take immediate remedial action when warranted to put an end to harassing conduct.

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

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

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

Monitor for Compliance. It is the expectation of the Township that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance. The Township will engage in proactive efforts to monitor and ensure compliance with its policies within their workplaces.

#### Contact Information

1. Township Manager – 973-835-5700 ext. 133
2. Affirmative Action Officer (Payroll Administrator) – 973-835-5700 ext. 123

## Harassment Complaint Form

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

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Job Title: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Union Representative (*if any*): \_\_\_\_\_

Time Period Covered by Complaint: \_\_\_\_\_

### Individuals Who Allegedly Committed Harassment:

|    | Name  | Department | Job Title |
|----|-------|------------|-----------|
| 1. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 2. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 3. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 4. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 5. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |

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

|       |
|-------|
| _____ |
| _____ |
| _____ |

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

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

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

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

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

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

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*(Attach additional Sheets if necessary. Include any questions and responses that may be appropriate for the specific case on additional sheet*

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.

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What is your requested remedy in this complaint?

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Acknowledgement:

The information provided above is true and correct.

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Statement Form

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

Name: \_\_\_\_\_

Department: \_\_\_\_\_

Job Title: \_\_\_\_\_

Union Representative (if any): \_\_\_\_\_

Length of Time Known: Complainant \_\_\_\_\_ Respondent \_\_\_\_\_

Individuals Who Allegedly Committed Harassment:

|    | Name  | Department | Job Title |
|----|-------|------------|-----------|
| 1. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 2. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 3. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 4. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |
| 5. | _____ | _____      | _____     |
|    | _____ | _____      | _____     |

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Attach additional Sheets if necessary. Include any questions and responses that may be appropriate for  
the specific case on additional sheets)*

Witness Statement Form (cont'd)

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

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

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*(Attach additional Sheets if necessary. Include any questions and responses that may be appropriate for the specific case on additional sheets)*

Acknowledgment:

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

Signature of Witness: \_\_\_\_\_

Date: \_\_\_\_\_

## **Chapter 1.09: “Whistleblower” Policy**

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

If an employee becomes aware of conduct that is believed to violate federal, state and local laws, rules and regulations, the conduct should be reported to an employee's Department Head in writing, signed by the employee. For the purposes of this policy, “conduct” includes inaction when an action required by federal, state, and local laws, rules and regulations is expected to be taken. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the Township Manager. The written statement should detail the specific information the employee possesses so that the Township may undertake an investigation.

In addition, employees have the right under the “Conscientious Employee Protection Act” (CEPA) to disclose, object to, refuse to participate in, provide information about, or testify about specific activities, policies or practices that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. The Township shall conspicuously display and annually distribute to all employees, in written or electronic form, a notice of employee protections, obligations, right and procedures under CEPA, prepared and distributed by the New Jersey Department of Labor and Workforce Development. The annual notice shall be in English and Spanish. Employees may be required to provide written or electronic confirmation of their annual receipt of this notice. A copy of the notice is also attached as an exhibit to this Manual.

The Township shall not take any retaliatory action or tolerate any reprisal against an employee for taking or participating in any action protected by CEPA.

Certain protections afforded to employees under CEPA are subject to a notice requirement. That is, to enjoy these protections, an employee who intends to report alleged wrongdoing to a public body must in normal circumstances first notify the Township in writing and afford the Township a reasonable opportunity to correct the complained of activity, policy or practice before a disclosure to a public body is made. Disclosure should be directed to the attention of the Township Manager. Disclosure to the Township is not required where the employee is reasonably certain that the activity, policy or practice is known to one or more department heads and/or supervisors of the employer and/or where the employee reasonably fears physical harm as a result of the disclosure provided. However, that the situation is of emergent nature.

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

## **Chapter 1.11: Employee Complaint Policy**

Employees who observe actions they believe to constitute violations of policy, improper or unauthorized workplace conduct, or violations of established norms of workplace behavior, including, but not limited to violations of the General Anti-Harassment and Anti-Sexual Harassment Policies, should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head or the Township Manager, or a member of the governing body. 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. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of wrongdoing will be promptly investigated by a person who is not involved in the alleged wrongdoing.

No employee will be penalized in any way for submitting a complaint in good faith, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in good faith in the investigation of a complaint.

Actions taken internally to investigate and resolve complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident. Appropriate corrective or other action shall be taken as deemed necessary or appropriate by the Township.

It is critical that all persons, including the complaining party, the subject of the complaint, and any witnesses, be truthful and honest in the information they provide during the complaint and investigation process. The providing of intentionally false information by any person is strictly prohibited and will result in discipline, regardless of the outcome of the underlying complaint.

## **Chapter 1.12: Grievance Policy**

A grievance is any complaint by an employee or group of employees concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township as it applies to him/her/them. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after the grievance arises. Failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing. The following steps shall be taken in this order

1. Express the grievance orally with your immediate supervisor, within five (5) working days of the event leading to the grievance.
2. If not satisfied, submit the problem in writing to the Department Head. The Department Head shall render a decision within five (5) working days after written submission of the grievance.
3. If the grievance cannot be settled at this level, it should be submitted as an appeal to the Township Manager. This appeal should contain a complete explanation of the problem and the terms of the settlement offered by the Department Head.
4. The Manager may request a conference with the parties involved. The Manager shall render a decision within seven (7) working days of receipt of the written appeal.

The provision of this Policy shall not apply to allegations presented under the Whistleblower Policy or the Employee Complaint Policy.

## **Chapter 1.13: Access to Personnel Files Policy**

The official personnel file for each employee shall be maintained in the Office of the Township Manager. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Electronic personnel and medical records will 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 Manager or a designated supervisor. 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 will not contain confidential employee medical information. Any such information that the Township may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

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

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

## **Chapter 1.14: Conflict of Interest Policy**

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

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

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

Employees are allowed to hold outside employment as long as it does not interfere with their Township responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Township Manager may request employees to restrict outside employment if the quality of Township work diminishes. Any employees, or their immediate relatives as defined in the above paragraph, who hold an interest in, or is employed by, any business doing business with the Township must submit a written notice of these outside interests to the Township Manager. The Township Manager must be advised of employment with another public agency.

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

Employees shall not represent private interests before the Township Council or any board, commission or agency of the Township. Employees shall not represent any private

interest in any action or proceeding against the interests of the Township in any litigation to which the Township is a party.

Employees shall not use their official position to obtain personal discounts, preferential or favorable treatment, special rights, benefits, advantages or privileges for one's self, a family member or any other person.

Personal use of Township-owned property, equipment, supplies or services is prohibited. When operating equipment or using supplies, it is to be done for authorized functions only. Any employee found taking unjustified advantage of Township property will be subject to disciplinary action, based on the seriousness of the offense.

Any Township property that becomes lost or stolen is to be immediately reported to the Department Head and a written "Accident/Theft/Loss Notification Report" form must be submitted to the Manager's Office with the Department Head's signature. In a case where the loss or damage is due to employee negligence, the employee is to be held responsible for their actions.

This Policy shall be applied in a manner consistent with the New Jersey Local Government Ethics Act. In case of conflict, the provision of the New Jersey Local Government Ethics Act shall control.

## **Chapter 1.15: Political Activity Policy**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations.

Therefore, in accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Township's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials. Employees are also prohibited from directly or indirectly using their official positions to control or affect the political action of another person.

Additionally, an employee whose principal employment is with a program financed in whole or in part by federal funds or loans shall not:

- be a candidate for public office in a partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)
- use his/her official authority to influence, to interfere with or affect election results or nominations for office.
- directly or indirectly coerce contributions from any employee to support a political party or candidate.

Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Township of Pequannock. Employees should report any violation of this policy to their Supervisor, Department Head or Township Manager.

## **Chapter 1.16: Employee Evaluation Policy**

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

## **Chapter 1.17: Employee Discipline Policy**

An employee may be subject to discipline for any of the following reasons (the following represent examples and are not intended to be an exhaustive list):

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Township, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township property at any time.
- Being under the influence of intoxicants (e.g., liquor, marijuana) or illegal drugs (e.g., cocaine, etc.) on Township property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Township property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Township premises during work time, without the approval of the Township Manager. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Township or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.

- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Township or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Township information.
- Unlawful gambling on Township premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Township rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township policies, procedures and regulations.
- Violation of Federal, State or Township laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less.

In cases of employee misconduct, the corrective action taken will be based upon the gravity of the situation, the number and kind of previous infractions, and other considerations pertaining to the matter under consideration deemed by the Township to be relevant.

Employees who dispute disciplinary action taken against them may submit a grievance under the Grievance Policy. Employees entitled to utilize specific disciplinary review procedures under applicable law, individual employment contracts or collective negotiations agreements shall utilize those procedures.

Unless otherwise provided by applicable law, individual employment contract or collective negotiations agreement, all Township employees are employees at will who may be terminated at any time, with or without cause and with or without notice and without the need for the Township to assert disciplinary charges.

## **Chapter 1.18: Resignation Policy**

When resigning from a position, a minimum of two weeks prior written notice to the Department Head is required in order to be considered "resignation in good standing." Oral and short notice (less than two weeks) resignations shall be binding but will not be regarded as being "in good standing."

## **Chapter 1.19: Workforce Reduction Policy**

The Township may institute layoff actions for economy, efficiency or other related reasons, but may first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be determined by the Township Manager.

## **Chapter 1.20: Driver's License Policy**

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

All new employees who will be assigned work entailing the operating of a Township vehicle may be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status or an unsatisfactory driving record may result in denial or termination of employment.

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

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

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

## **Chapter 1:21 Workforce Democracy Enhancement Act**

Supervisory and managerial employees, and elected and appointed officials, shall not encourage employees represented by an exclusive representative employee organization, (labor union), to resign or relinquish their membership in an exclusive representative employee organization, and shall not encourage such employees to revoke authorization for the deduction of fees to an exclusive representative employee organization.

Supervisory and managerial employees, and elected and appointed officials, shall not encourage or discourage employees from joining, forming or assisting an employee organization.

Every 120 calendar days beginning on January 1, 2019, exclusive representative employee organizations shall be provided, in an Excel file or similar format agreed to by the employee organization, the following information for all negotiations unit employees: name, job title, worksite location, home address, work, home and personal cellular telephone numbers, date of hire, and work email address and personal email address on file.

Exclusive representative employee organizations shall have the right to use the employer's email systems to communicate with negotiations unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the union.

Exclusive representative employee organizations shall have the right to use government buildings and other facilities that are owned or leased by government entities to conduct meetings with their unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the union, provided such use does not interfere with governmental operations. Meetings conducted in government buildings pursuant to this section shall not be for the purpose of supporting or opposing any candidate for partisan political office, or for the purpose of distributing literature or information regarding partisan elections. An exclusive representative employee organization conducting a meeting in a government building or other government facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

## **Chapter 1:22 Contagious/Life Threatening Illness Policy**

This policy provides guidance for dealing with work situations involving employees who have contracted communicable illnesses such as, by way of example; COVID, measles, influenza, viral hepatitis-A (infectious hepatitis), Viral Hepatitis-B (serum hepatitis, shingles, Human Immunodeficiency Virus (HIV infection), AIDS, AIDS-related complex, severe acute respiratory syndrome (SARS), and tuberculosis.

This policy does not replace, and is to be read in conjunction with the Township's policies on sick leave, family and medical leave, disabilities and attendance.

The Township will not discriminate against any employee solely because that employee has contracted a communicable illness. The Township shall make reasonable accommodations to known physical and mental limitations of such employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township.

All employees, including those suffering from communicable illnesses are expected to be able to perform the essential functions of their jobs (with or without reasonable accommodation where such is required by law) without posing a direct threat to the health and safety of themselves or others.

The Township recognizes its obligation to provide a safe and healthy work environment for all employees. Therefore, the Township will obtain appropriate medical direction, when necessary, to ensure that an employee's communicable condition does not pose a significant risk of substantial harm to her/himself or to other employees.

Employees are required to notify the Township at the earliest possible time if they believe they have an illness that is medically recognized as being readily contagious and/or which poses a health hazard to other employees or to the public at large.

The Township will make objectively reasonable decisions involving persons who have communicable illnesses based on current and well-informed, competent medical advice and opinion concerning the illness in question, the risks of transmitting the illness to others, the employee's symptoms, work and medical histories, a careful weighing of the identified risks and the available options for minimizing them. In appropriate cases, the employee may be instructed not to report to work until medical clearance to return to duty is received.

With respect to HIV/AIDS, according to the best medical advice available at the time, casual workplace contact with employees who have AIDS/HIV will not result in transmission to others. Employees are expected to work with co-workers and any other individuals who have these conditions that do not pose a significant risk of harm. Employees who have unwarranted fear of exposure will not be allowed to refuse work with individuals affected by HIV/AIDS or any other communicable illness that does not pose a medically-recognized direct threat of contagion.

Consistent with the concern for employees with life-threatening illness, the Township of Pequannock offers the following resources through the Office of the Township Manager:

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

## **CHAPTER TWO**

### **Workplace Policies**

## **Chapter 2.01: Personnel Action Report**

The "Personnel Action Report" or PAR form is used when an employee or Department Head wants to initiate action on behalf of themselves or an employee. When applying for Paid Time Off, employees utilize the Township's electronic payroll management program; however, if the system is unavailable or some other problem presents itself, the form may be used when applying for paid time off. This form is also used by Department Heads when recommending an employee for pay increase, suspension, dismissal, other significant time off/approved leave or periods of absence or to record employee achievements or commendations. The PAR form requires processing by the Department Head before it is submitted to the Manager for final action, when and where appropriate.

The PAR form has been standardized to expedite any action described above in a simple and direct manner. It must be used whenever applicable. It should be accompanied by any supportive information, as required (i.e. Workers' Compensation claim, etc.).

## **Chapter 2.02: Job Description Policy**

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Township Manager. Copies of job descriptions are available upon request in the Office of the Township Manager.

## **Chapter 2.03: Attendance Policy**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 AM to 4:30 PM. Extended hours of operation are scheduled for the second Tuesday of every month from 8:30 a.m. to 7:30: p.m. with the following Friday from 8:30 a.m. to 1:00 p.m. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Some employees, because of the nature of their work, are on special schedules which are developed by the employee's Department Head and/or established by an applicable bargaining agreement.

Alternate work hours, for specific days may be established by the Township Manager, with the approval of the Township Council.

## **Chapter 2.04: Early Closing and Delayed Opening Policy**

In the event of unsafe conditions, the Township Manager may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Township Manager shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full Paid Time Off (PTO) day or compensating time will be charged. Paid Time Off (PTO) or sick time, where applicable, will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police, or any personnel who may be required to assist in an emergency. Certain non-essential employees of the Departments of Public Works and Police may also be excused, subject to the recommendation of the employee's Department Head and approval of the Township Manager.

## **Chapter 2.05: Dress Code Policy**

Township of Pequannock Employees are required to present themselves in a neat, orderly business manner and to dress appropriately for the work they perform.

Employees issued uniforms by the Township are expected to wear such uniforms while on duty. Refusal to wear such uniforms may be cause for disciplinary action.

With the advance approval of the Township Manager, the Township will make necessary reasonable religious and/or disability accommodations that do not violate safety standards or other requirements that are job related and consistent with business necessity.

Employees violating this policy shall be required to take corrective action or will be sent home without pay.

The Dress Code for employees of the Township of Pequannock will be business casual with the following specific exceptions and examples.

- Business casual dress typically includes slacks or khakis, dress or skirt, dress (button down) shirt or blouse, open collar polo type (two/three button) shirt, knit shirt, optional tie, seasonal sport coat or sweater and dress shoes, loafers or other appropriate shoes that covers all or most of your foot.
- Employees issued uniforms by the Township are expected to wear such uniforms while on duty. Prescribed equipment shall also be worn, including but not limited to safety equipment.
- For those employees who may be working in the field, conducting inspections or supervising construction or other activities which may result in clothing becoming easily soiled, jeans or uniforms are acceptable and shall be authorized by the respective Department Head.
- Jeans may be worn on Fridays, provided the jeans are neat, without stains, rips, tears or fraying, schedule permitting.
- Specifically prohibited items of attire include attire such as: t-shirts (except those that are a component of a uniform or otherwise approved), tank tops, flip flops, and any item of clothing that includes obscene or profane statements or images.

## **Chapter 2.06: No Smoking Policy**

As required by State law, the Township has adopted a smoke-free policy for all buildings. Township facilities are smoke-free. No employee or visitor will be permitted to smoke anywhere in Township buildings. Employees are permitted to smoke only outside Township buildings and in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Township, smoking near equipment that may be adversely affected by smoke, and smoking in any location in which smoking may cause a fire or explosion hazard is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

## **Chapter 2.07: Use of Vehicles Policy**

The Township of Pequannock owns and maintains a fleet of vehicles ("Employer Vehicles") that are used in furtherance of the business of the Township. The following policy governs the use of all Employer Vehicles (with the exception of vehicles utilized for the patrol/investigative function of law enforcement), and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Township to the employee in any civil or criminal matter brought in any Court arising from improper use of a Township vehicle. The Township also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the respective Department Head and/or Township Manager. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States.

A. Employees are required to file a copy of a valid driver's license with the Township prior to the use of an Employer Vehicle.

1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
2. Employees shall inform the Township within twenty-four (24) hours of any changes in the status of their driving privileges.
3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an Employer vehicle and may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from the use of an Employer vehicle while said employee's driving privileges were suspended or revoked.

B. The Township of Pequannock reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The Township of Pequannock reserves the right to suspend an employee's driving privileges if the Township deems the action necessary based on the employee's driving record.
2. The Township of Pequannock shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason,

and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.

C. The Township of Pequannock may occasionally offer safe driving courses and reserves the right to compel employee attendance at such courses.

D. If requested by the Township Manager, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.

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

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

Employer Vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of her/his employment. No employee shall authorize or permit any other non-Township of Pequannock employee, including but not limited to family members of the employee, to operate an assigned Township Vehicle. Such vehicles may only be used for purposes of commuting to and from home and work responsibilities and may be utilized only by employees. Such use of a Township Vehicle for commuting and from home and work responsibilities is voluntary and do not entitle the employee to compensation while commuting.

Location of Vehicles. Employees who are assigned the regular use of an Employer Vehicle for official business may, with written permission of the Township Manager, take the Employer Vehicle home at night and keep said vehicle at home while off duty.

If the employee will be absent from duty for more than ten (10) consecutive days, including weekends and holidays, he/she must surrender the Township vehicle to his/her direct supervisor or return the vehicles to the designated municipal parking lot. An employee storing the vehicle at his residence must provide safe parking for the vehicle at all times.

Accidents and Incidents. Upon being authorized to utilize an Employer Vehicle, employees will consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

A. In the event of an incident or accident involving the use of an Employer Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Township Manager within two (2) business days of the incident or accident.

B. Any municipal employee or official who is involved in a motor vehicle accident while driving a municipal vehicle shall submit to a drug and alcohol screen immediately following the accident or within four (4) hours thereafter. Employees who possess commercial drivers' licenses (CDLs) shall be subject to post-accident drug and alcohol testing in accordance with federal law.

Citations and Violations. Operators of Employer Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets and MUST notify the Township of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred. The Township of Pequannock should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass). Upon having been notified of said violation, either by direct mail or notice from the Township, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the employee's Department Head or Township Manager that the outstanding toll and any related fees have been paid.

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

A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.

B. Employees assigned exclusive use of an Employer Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance in order to maintain all manufacturers' warranties (including routine oil changes).

C. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).

D. No smoking is allowed in Employer Vehicles at any time.

E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Employer Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.

F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."

G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

I. Employees who utilize their own vehicles for Township business must have adequate insurance, as required by the State of New Jersey.

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

## **Chapter 2.08: Computer Use, Electronic Mail, and Internet Policy**

The Township of Pequannock's e-mail, voicemail, computer systems and Internet service are for official Township business and use for all other non-business purposes during working time is prohibited. This includes, but is in no way limited to, the use of computers or Township-issued mobile devices, use of social networking, gaming or TV/video. "Working time" shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the Township. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.

**Note: All e-mail, voicemail, text, and internet messages sent, received, created or recorded on the Township's e-mail, computer systems and Internet service are official documents subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.**

The Township of Pequannock operates in an environment where the use of computers, e-mail and the Internet are essential tools for employees. It is the responsibility of all employees to guarantee that these systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper and lawful manner at all times.

- Employees are advised that all computers owned by the Township of Pequannock are to be used for business purposes only during working time (as defined above), and that they have no expectation that any information stored, received, sent, saved or created on a Township computer is private. Because e-mail messages are considered as business documents, the Township expects employees to compose e-mails with the same care as a business letter or internal memo.
- Downloading or misusing software available through the Internet could violate copyright laws or licensing requirements. Software and "apps" should not be downloaded or installed on Township computers and devices without authorization.
- Personal use of any computer during working time (as defined above) is prohibited, unless expressly authorized by the employee's supervisor.
- The Township reserves the right to block or cancel an employee's access to Internet sites or the Internet as a whole while using business computers or on the Township's time.
- The e-mail, telephone, and Internet systems, as well as the messages thereon, are the property of the Township of Pequannock.
- The Township of Pequannock reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the Township's discretion. The Township also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Township of Pequannock computers or email accounts, or in any content, received, sent, saved or created on a Township computer or e-mail account.

- Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
- The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Township of Pequannock or generated by the employee, do not restrict or eliminate the Township's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.
- Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- The Township's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an employee's personal use of the Township's computer, e-mail and connection to the Internet shall not interfere with the employee's duties and shall comply with the Township's policies and all applicable laws.
- Any messages or transmissions sent outside of the organization via e-mail or the Internet may pass through a number of different computer systems, all with different levels of security. Accordingly, employees should not send privileged and/or confidential communications (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.
- Because postings placed on the Internet may display the Township's address or other Township-related information, and thus reflect on the Township, make certain before posting such information that it exhibits the high standards and policies of the Township of Pequannock. Under no circumstances shall data of a confidential nature (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- If you identify yourself as an employee in any manner on any internet posting or blog, comment on any aspect of the Township's business or post a link to the Township, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the Township of Pequannock or anyone associated/affiliated with the Township of Pequannock."
- Subscriptions to news groups, mailing lists, RSS feeds, or similar online services are permitted only when the subscription is for a work-related purpose and is authorized by the Township. All other subscriptions are prohibited.
- All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Township's Network Administrator before downloading.

- Any "improper use" of e-mail or the Internet is strictly prohibited while at work or while using a Township of Pequannock computer. "Improper use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination based material; attempting to disable or compromise the security of information contained on the Township's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination based messages. If an employee receives a message that meets this definition of an "improper use" of the Township's electronic media from someone outside of the Township, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- Your Internet postings SHOULD NOT VIOLATE ANY OTHER APPLICABLE EMPLOYER POLICY, including, but not limited to, the following (for emphasis): the Township's Anti-Harassment and Discrimination Policies.
- Township business which is conducted by an employee on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

All employees are responsible for avoiding e-mail "phishing." Those who are provided with municipal e-mail accounts should not click on e-mail attachments, links, or unsolicited e-mail from any unknown person. Report all suspicious looking e-mail, even if purportedly sent by a known person to the appropriate Department Head or the Township Manager, immediately. Under no circumstance should any person respond to an e-mail or link that asks for the entry of a computer or device password or any personal identifiers.

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions communicate with each other; or engage in other concerted activities for their mutual aid and protection.

#### Social Network Postings

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

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

Specifically, the Township of Pequannock reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.

Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment what you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act. Further, this policy shall not be interpreted or applied in a manner inconsistent with federal and state law pertaining to the free speech right of public employees.

## **Chapter 2.09: Video Surveillance**

The Township may install video surveillance camera systems within public buildings and throughout public areas within the Township, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Township will ensure compliance with federal, state and local laws governing such usage.

The Township's video surveillance camera systems are a significant tool to which the employees of the Township will avail themselves in order to complete the goals and objectives of the Township. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Township's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Township's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission for the designee of the Township.

The Township shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Township Manager is immediately informed of such breach.

## **Chapter 2.10 Bulletin Board Policy**

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

## **Chapter 2.11: Employee Dating Policy**

Romantic relationships among employees frequently lead to problems in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems. Therefore, the Township has adopted the following policy.

No elected official, officer or employee holding a supervisory, administrative, or managerial position having the authority to affect or recommend changes in the terms and conditions of employment, shall engage in a romantic, dating, or intimate/sexual relationship with another employee of the Township whom he/she supervises, or whose terms and conditions of employment he or she can influence. Examples of terms and conditions of employment for purposes of this policy include but are not limited to promotion, evaluation, assignment, review or allocation of work, termination, training, discipline and compensation. Violations of this policy may be met with appropriate discipline, transfer, or other appropriate personnel action as the Township deems appropriate under the circumstances. No person who is currently on the payroll of the Township shall be placed or continued in a position that provides supervision over someone with whom that person has a romantic or dating relationship. Further, the Township reserves the right to address any workplace issues that may result from the relationship in a manner it deems appropriate.

Employees considering entering into a dating, romantic or intimate relationship with another Township employee, even in circumstances not prohibited under this policy, are strongly encouraged to review and consider all Township policies regarding workplace conduct, including but not limited to policies pertaining to sexual and other forms of workplace harassment, as well as the policies on conflicts of interest and anti-nepotism, and to be guided accordingly. Further, all employees, irrespective of their personal relationship, are expected to conduct themselves in a professional manner while at work and during Township's formal events and functions and refrain from overt displays of affection or emotion that are or may be perceived as inappropriate in a professional setting.

Employees may report violations of this Dating Policy to the Township Manager.

## **Chapter 2.12: Lunch Break Policy**

Township of Pequannock Employees are provided with a mid-day/mid shift break for the purposes of taking a break from work and ingesting sustenance. Unless otherwise provided, the Lunch Break for non-represented employees is sixty (60) minutes, unless otherwise approved by the Township Manager. For those employees who are members of collective negotiations groups, the time period is articulated in the appropriate collective negotiations agreement.

For those employees who work during the standard municipal workday, 8:30 am to 4:30 pm, the Lunch Break should generally be taken between the hours of 11:30 am and 2:30 pm and scheduled so as to allow for continuity of coverage for municipal offices. The Lunch Break is explicitly not intended to be a flex hour or personal hour to be applied to the beginning or end of the work day. Any employee who wishes to utilize his/her Lunch Break in this manner may only do so with the prior approval of the Township Manager.

## **CHAPTER THREE**

### **Paid and Unpaid Time Off Policies**

### **Chapter 3.01: Paid Holiday Policy**

The following official holidays shall be observed by the Township for Class I employees:

- New Year's Day
- Martin Luther King's Birthday
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

The observed holidays may be modified by resolution of the Township Council.

The Township Manager may, at his discretion, change an official holiday or provide one (1) floating holiday, in lieu of a holiday, provided that in no case shall holidays exceed eleven (11) days per annum or as contained in contract.

Each Class II employee shall observe the above-referenced holidays on a prorated basis provided the employee was normally scheduled to work on the day of observance for the holiday.

In the event that a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday. In the event that the holiday falls on a Sunday, the holiday shall be observed on the following Monday, or as designated by the Township.

## Chapter 3.02: Paid Time Off

A. Class I employees earn cumulative paid time off with pay for each full calendar month of service in accordance with the following schedule or as provided for in approved agreements:

| <u>Months of Continuous Service</u> | <u>Days of Paid Time Off Leave Earned*</u> |
|-------------------------------------|--------------------------------------------|
| 1 - 48 months                       | 1.83 days/month                            |
| 49 - 108 months                     | 2.25 days/month                            |
| 109 - 192 months                    | 2.67 days/month                            |
| 193 - 228 months                    | 2.75 days/month                            |
| 229 - 240 months                    | 2.83 days/month                            |
| 241 - 252 months                    | 2.92 days/month                            |
| 253 - 264 months                    | 3.00 days/month                            |
| 265+ months                         | 3.08 days/month                            |

\* Class II employees shall earn prorated paid time off with pay based on the above schedule. Prorating for Class II employees shall be determined by schedule articulated on the employee's offer letter or mutually executed Personnel Action Report. Should an employee's schedule change after his/her hire, it is the supervisor and Department Head's responsibility to submit a PAR with the revised schedule, which shall be the bases for recalculating the prorated paid time off.

B. Earned paid time off may be taken only at such time as the employee's department head and/or the Township Manager may approve.

C. With the exception of one (1) day, as articulated below in paragraph "F", paid time off may be taken in increments not less than one-half day as approved by the employee's department head and the Township Manager. A minimum of one week written notice is required to request paid time off in excess of two consecutive days. Paid time off in excess of twenty-one (21) consecutive work days is prohibited in any twelve month time frame unless approved by the Township Manager.

D. Any employee, who is terminated from the services of the Township as a result of a reduction in force for matters of economy and efficiency shall be paid for unused paid time off, accumulated under this section, at their then current rate of pay up to a maximum of thirty-five (35) days.

E. All vacation and sick leave benefit time accumulated prior to January 1, 2014 will be converted to paid time off.

F. For Class I employees, in a calendar year, up to one (1) day of paid time off may be taken in one (1) hour increments. For any other Class of employee, he/she may take up to one (1) prorated day of paid time off in one (1) hour increments, in a calendar year.

G. Any employee who resigns or retires or is terminated for any reason other than a reduction in force shall not be eligible for compensation for any accrued paid time off upon or following separation from the Township of Pequannock.

## **Chapter 3.03: Compensatory Time/Overtime Policy – Accrual & Use**

### Compensatory Time/Overtime Accrual

All eligible Class I and Class II employees may accrue compensatory time when preapproved by the Department Head. Compensatory time may accrue in two separate pay situations.

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

Under the Fair Labor Standards Act, certain employees in executive, administrative, computer or professional positions who are paid on a salary basis are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$107,432 per year, on a salary basis depending upon their job duties. The Township Manager shall notify all exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Township Manager's prior approval and at the sole discretion of the Township Manager.

Depending on work needs, non-exempt employees may be required to work overtime. Such employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and/or the Township Manager. Employees working overtime without prior approval will be subject to disciplinary action.

Non-exempt civilian employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over forty (40) in a workweek. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time is not. Such employees may choose to receive overtime compensation in the form of compensatory time off at the rate of 1.5 hours compensatory time for every 1 hour of overtime worked, not to exceed an accumulation of 25 compensatory hours.

Overtime compensation for employees in recognized collective negotiations units shall be as set forth in the applicable collective negotiations agreement, however, that such agreements shall not be inconsistent with applicable law.

**Holiday Pay:** Eligible employees who work on a day observed as a holiday may receive holiday compensatory time.

All accrual of compensatory time shall be documented utilizing the Township's electronic payroll program or on employee time sheets and personnel action reports (PARs.)

At no time may accrual on compensatory time exceed twenty five (25) hours on December 31<sup>st</sup> of each year.

Overtime-exempt positions shall not accrue compensatory time or receive overtime pay.

#### Compensatory Time Use

Employees may use compensatory time at a time that is mutually agreeable to both the employee and the Department Head. Accordingly, the use of compensatory time requires advanced approval by an individual's Department Head. A Department Head has the responsibility and authority to approve or disapprove an employee's request to use accrued compensatory time based on his/her judgment of departmental necessity. Notwithstanding the foregoing, employees shall be permitted to use compensatory time within a reasonable period after making a request for use unless such use would unduly disrupt Department or Township operations.

Compensatory time must be used in intervals of no less than one hour and documented by utilizing the Township's electronic payroll program or a PAR signed by the employee and the employee's Department Head.

Upon termination of employment, unused compensatory time shall be paid to the employee at the employee's final regular rate of pay.

Compensatory time may not be used during any scheduled work period that results in earning overtime, holiday pay or additional compensatory time.

The Township reserves the right to, in its sole discretion, cash out any employee's accrued compensatory time, in whole or in part, at any time, at the rate of pay the employee is earning at the time of cashing out.

### **Chapter 3.04: Compliance With New Jersey Paid Sick Leave Law, (P.L. 2018, Ch. 10)**

A. Any employee otherwise entitled to at least forty (40) hours of paid time off under the terms of this policy manual, or under any applicable ordinance, resolution or practice of the Township, shall be entitled to use up to forty (40) hours of such paid time off per calendar year for the following purposes:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
- (4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
- (5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this Policy only, "family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

If the employee's need to use paid time under this Policy is foreseeable, the employee will be required to produce advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use paid time under this Policy and its expected duration, and shall make a reasonable effort to schedule the use of paid time under this Policy in a manner that does not unduly disrupt the operations of the employer. If the reason for the use of paid time under this Policy is not foreseeable, the employee shall provide notice of the intention to use paid time under this Policy as soon as practicable.

For use of paid time under this Policy extends for three or more consecutive days, the following supporting documentation shall be required:

- If paid time under this Policy is being taken under paragraph (1) or (2), above: documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave.
- If paid time under this Policy is being taken under paragraph (3), above: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
- If paid time under this Policy is being taken under paragraph (4), above: a copy of the order of the public official or the determination by the health authority.
- If paid time under this Policy is being taken under paragraph (5), above: any reasonable documentation showing that a conference, meeting, function, or other event has been scheduled or is occurring.

B. Effective October 29, 2018, any employee not entitled to at least forty (40) hours of paid time off under the terms of this policy manual, or under any applicable ordinance, resolution, or practice of the Township, shall accrue one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum of forty (40) hours accrued, used or carried over in any calendar year. Said paid sick leave may be used for any purpose listed in Section A, above, under the conditions set forth in Section A, above. For those employed as of October 29, 2018, earned sick leave under this Section shall begin to accrue effective October 29, 2018, and may be used at any time beginning on the 120<sup>th</sup> calendar day after the employee began employment. For those employed after October 29, 2018, earned sick leave under this Section shall begin to accrue on the first day of employment and may be used at any time beginning on the 120<sup>th</sup> calendar day after the employee began employment.

C. Nothing in this Policy shall be construed as requiring payment for any form of unused paid leave upon separation from employment unless otherwise provided under the terms of a different provision of this policy manual, or under any applicable ordinance, resolution, or practice of the Township. Employees receiving paid sick leave under Section B of this Policy shall not be entitled to payment for unused paid sick leave upon separation from employment under any circumstance.

D. The calendar year shall be deemed the “benefit year” for purposes of *N.J.S.A. 34:11D-1*.

E. This Policy shall not apply to those employees who are provided with sick leave with full pay pursuant to any law, rule, or regulation of the State of New Jersey.

### **Chapter 3.05: Bereavement Leave Policy**

In case of death in the immediate family, a Class I, II, or III employee shall be granted up to three (3) days' bereavement leave. Immediate family shall be defined as the employee's spouse, child, stepchild, mother, father, brother or sister, father-in-law, mother-in-law, brother-in-law, or sister-in-law, maternal and paternal grandparents, domestic partner, step mother/father, son/daughter-in-law, grandchild, aunt/uncle, niece/nephew.

In the event of a death in the immediate family in which extenuating circumstances exist, additional days may be granted by the Township Manager.

### **Chapter 3.06: Jury Duty Policy**

A paid leave of absence will be granted to any employee summoned for jury duty. The leave must be documented utilizing the Township's electronic payroll program or a PAR form must be filled out and approved by the Manager.

### **Chapter 3.07: Leave of Absence Policy**

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

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

## **Chapter 3.08: Family and Medical Leave Act Policy**

Federal and state laws provide employees with period of leave from employment made necessary due to certain specified reasons. The purpose of this policy is to explain your right and obligations under these laws.

### **FEDERAL FAMILY AND MEDICAL LEAVE ACT (FMLA)**

#### **I. Eligibility Under FMLA**

Township employees who have worked for the Township for at least twelve (12) months and have worked at least 1,250 hours in the twelve (12) months preceding the need to take leave, are eligible for a job protected leave of up to twelve (12) weeks over a 12-month period. The determination whether an employee has used twelve (12) weeks over a 12-month period is based upon a “rolling” twelve (12) month period measured on a “look back” basis to determine if there has been any prior FMLA leave usage in the prior twelve (12) month period. Upon the Township receiving an employee request or otherwise becoming aware of the possibility of a leave of absence being eligible for FMLA coverage, the employee will be given notice of such potential eligibility and the employee will be required to complete the appropriate paperwork.

#### **II. Reasons for FMLA Leave**

The Township must designate leave as FMLA leave even without an employee’s request, or consent, and without the submission of a medical certification under those circumstances in which it is clear that the reason for leave is qualified as eligible protected leave.

FMLA leave may be taken for the following purposes:

The birth of an employee's child, or the placement of a child for adoption or foster care, for the care of or to bond with the child. This provision is applicable to both mothers and fathers and must be taken within twelve (12) months of the child’s birth. If married individuals, as the term married is recognized in the State of New Jersey, are both employees of the Township, leave is limited to twelve (12) weeks in the aggregate in any twelve (12) month period;

The care of the employee's immediate family member (spouse, child or parent), if that family member has a serious health condition;

A serious health condition that renders the employee unable to perform their job.

The employee must attend to a qualifying exigency arising out of the fact that the employee’s spouse, child or parent is on covered active duty or has been notified of an impending call to become active in the Armed Forces.

The care of an injured or ill service member.

Leave for a service member may extend up to 26 weeks in a 12-month period for an employee whose spouse, child, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is

receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability or is retired.

Employees requesting FMLA leave for care of a service member must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks.

### III. Terms and Definitions Under the FMLA

"Child" includes biological, adopted, and foster child, step-child, legal ward or a "child" of a person acting in the capacity of a parent.

"Parent" includes biological parents, as well as a person that acted in the capacity of a parent toward the employee. Siblings and in-laws are not covered by the FMLA.

"Serious health condition" means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

"Incapacity" means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

"Treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

### IV. Duration of FMLA Leave

Except in the case of leave to care for a covered servicemember with a serious injury or illness, upon following proper notification and approval procedures, an employee shall be entitled to a leave for up to 12 workweeks in a 12 month period. This leave may be divided into separate blocks of time provided that the total time within which the leave is taken does not exceed a 12 month period. An employee eligible for leave to care for a covered servicemember with a serious injury or illness shall be entitled to a leave for up to 26 workweeks in a 12 month period.

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

### Intermittent or Reduced Scheduled FMLA Leave

It is not required that family/medical leave be taken all at one time. Intermittent leave (periodic) can be taken if the employee or a covered family member has a serious health condition, provided intermittent leave is medically necessary. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period. Reduced leave is a schedule in which the weekly hours or hours per day are reduced. The Township provides intermittent or reduced schedule leave in accordance with the FMLA, subject to the notice requirements set forth in this policy.

## V. Employee Notification Requirements

An employee should give, when known, 30 days' notice, but no less than two (2) weeks' advance notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Township Manager or his/her designee. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

If an employee fails to give notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.

When requesting that leave be designated as intermittent leave, the need for intermittent leave must have been pre-authorized in advance through the completion of a medical certification and the employee must give as much advance notice of the intermittent leave as reasonably possible and at minimum, in accordance with any parameters set forth in the physician's certification.

When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the Township's operations.

In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

## VI Employer FMLA Notification Requirements

Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the Township learns that leave may be needed for an FMLA-qualifying reason, the Township will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.

Notice of Designation of Leave: Within five (5) days after the Township receives the completed medical certification from an employee and/or otherwise becomes aware of a qualifying leave, the Township will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the Township will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the Township will provide written notice of and reason for denial. In the instance the need for leave and that the leave qualifies is known at the same time, a Notice of Eligibility Rights and a Notice of Designation of Leave will be provided at the same time to the employee; within five (5) days of the Township having knowledge.

## VII. Use of Paid Leave Time In Conjunction with FMLA Leave

It is the Township's policy that accrued paid sick leave time must be used concurrently with FMLA designated leave, and will count toward the full maximum benefit of twelve (12) weeks of leave time under the FMLA. The use of accrued vacation and compensatory time may be used by the employee during FMLA leave at the employee's option.

When an employee on FMLA leave receives disability benefits or workers' compensation benefits, the leave shall run concurrently with FMLA leave.

#### VIII. Health Benefits and Leave Time Accrual While on FMLA Leave

The Township will continue its normal payments toward the employee's health/dental insurance program while the employee is on approved FMLA leave. The employee must make his or her required contributions if the health/dental insurance is to continue.

During any period of FMLA with pay (where paid leave runs concurrently), leave time will continue to accrue. Employees do not accrue leave time during unpaid leave. Pension contributions shall be remitted only when paid leave runs concurrently with FMLA time.

#### IX. Return from FMLA Leave

Upon return from leave, the Township will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Township cannot guarantee that an employee will be returned to his or her original position. The Township will determine whether a position is an "equivalent position." All employees who take leave for their own serious medical conditions will be required to present a fitness-for-duty certification and be medically cleared prior to being restored to employment.

#### Failing to Return Upon Expiration of Leave

Unless the employee has been granted an ADA accommodation or additional unpaid leave time in accordance with this policy's provisions, an employee who fails to return to work upon the expiration of FMLA leave may be subject to termination and will lose health insurance coverage effective the last day of the month in which the employee is terminated. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own expense.

#### Working for Another Employer While on FMLA Leave

Employees shall not, during any period of FMLA leave, perform services for another employer for whom the employee did not provide those services immediately prior to commencement of the leave. To the extent other work is allowed while the employee is on FMLA leave, the employee must establish that the other work is not inconsistent with the need for leave from the Township.

## **NEW JERSEY FAMILY LEAVE ACT (NJFLA)**

### **I. Eligibility for New Jersey Family Leave**

Employees may also be eligible for leave under the New Jersey Family Leave Act (NJFLA). Employees are eligible for NJFLA leave if they have worked for the Township for at least (12) twelve months and they have worked at least 1,000 hours during the (12) twelve month period immediately preceding the start of the requested leave.

### **II. Reasons for NJFLA Leave**

NJFLA Leave may be taken for the following reasons:

The birth or adoption of a child;

The serious health condition of a family member of the employee;

In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which:

- (i) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency;
- (ii) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or
- (iii) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

### **III. Definitions Under NJFLA**

**NJFLA Definition of a “Serious Health Condition”:** An illness, injury, impairment or physical or mental condition that involves:

- (i) inpatient care in a hospital, hospice or residential medical care facility, or
- (ii) continuing treatment by a health care provider.

**NJFLA Definition of a “Child”:** “Child” means a biological, adopted or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or a child of a civil union partner or a child who becomes a child of a parent pursuant to a written agreement between the parent and a gestational carrier.

**NJFLA Definition of a “Family Member”:** A “Family Member” means a sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual whose close association with the employee is the equivalent of a family relationship.

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

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

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

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

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

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

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

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

The employee also must give the Employer a medical certification supporting the need for leave. The Employer reserves the right to require second or third medical opinions and periodic recertifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the Employer. If an employee fails to provide the required documentation, the Employer may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with the Employer's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

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

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

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

#### IV. Interplay with FMLA Leave

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

## V. Interplay with New Jersey Family Leave Insurance Program

The NJ Family Leave Insurance Program (FLI) provides for up to twelve (12) weeks of benefits in a twelve (12) month period to employees who would otherwise suffer wage loss as a result of the need to participate in providing care for a family member with a serious health condition, or to bond with a newborn or newly adopted child. FLI may be taken intermittently when the employee is providing care for a family member with a serious health condition. If taken intermittently, the employee may receive benefits for up to 56 working days within a twelve (12) month period. The program provides eligible individuals a monetary benefit for the period of otherwise unpaid absence, but not a period of additional leave.

FLI may also be utilized for an employee utilizing unpaid leave to address, or to assist an eligible family member in addressing, domestic or sexual violence under the “New Jersey Security and Financial Empowerment Act.” Such leave shall not exceed 20 days in any twelve-month period measured from any incident of domestic or sexual violence.

Employees who are out on FMLA and/or NJFLA leave for reasons that make them eligible for FLI may, their option, elect to use FLI benefits instead of paid leave.

FLI is not available for absences due to the employee’s own illness or incapacity. However, an employee who has exhausted paid time off may qualify for disability insurance coverage for his or her own illness or incapacity.

## **Chapter 3.09: Domestic Violence Leave Policy**

### **PURPOSE**

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

### **DEFINITIONS**

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

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

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

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

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

**Temporary Restraining Order (TRO)** - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of

a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

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

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

## **PERSONS COVERED BY THIS POLICY**

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

## **RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER**

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

### **Primary HRO as of the Date of Adoption of this Manual:**

**Payroll Administrator – 973-835-5700 ext. 123**

### **Secondary HRO:**

**Township Manager – 973-835-5700 ext. 133**

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any

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

The name and contact information of the designated HRO will be provided to all employees.

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

## **DOMESTIC VIOLENCE REPORTING PROCEDURES**

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between employees, the HRO is also required to report the incident to the Township's

EEO Officer.

- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, which will be accessed through the Office of the Chief of Police.
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

## **CONFIDENTIALITY POLICY**

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

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

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

## **CONFIDENTIALITY OF EMPLOYEE RECORDS**

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel

records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

## **THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT**

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

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

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

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

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

## **PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN**

The Township of Pequannock has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence:

- A. Designate an HRO with responsibilities pursuant to this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of

safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.

- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

## **RESOURCES**

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

## **DISTRIBUTION OF POLICY**

The Office of the Township Manager will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Office of the Township Manager will be responsible for updating this policy as may be necessary or appropriate.

The Office of the Township Manager will be responsible for monitoring the Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for mandatory amendments or supplements to this policy.

#### **OTHER APPLICABLE REQUIREMENTS**

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

#### **POLICY MODIFICATION AND REVIEW**

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy. The Civil Service Commission will review and modify this policy periodically and as needed.

#### **POLICY ENFORCEABILITY**

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

## **Chapter 3.10: Military Leave Policy**

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

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

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

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

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

Reinstatement. To be reinstated by the Township of Pequannock without loss of privileges or seniority, the employee must report for duty with the Township within the time required by law following release from active duty under honorable circumstances.

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

- Provide the Township with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Be discharged under honorable conditions.
- Have a term of military service that does not exceed five years.

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

## **CHAPTER FOUR**

### **Compensation & Employee Benefits Policies**

## **Chapter 4.01: Salaries and Payment**

All Township employees are paid in accordance with the current salary ordinance which sets the salary or salary ranges for each position in the Township. Employees who are represented by unions are paid in accordance with their respective bargaining agreements. Applicants with outstanding qualifications or experience may be hired above the minimum with approval of the Township Manager. Current copies of the salary ordinance are available in the Township Clerk's office. Employees are paid once every two weeks by check, with appropriate deductions made.

### **Pay Transparency**

Pursuant to the State of New Jersey's Pay Transparency Law (N.J.S.A. 34:6B-23), the Township affirms its commitment to transparency and equality in hiring and promotion practices. This policy outlines the Township's obligations regarding compensation disclosures and internal posting of promotional opportunities.

This policy applies to all job postings—external and internal—by the Township.

All job postings issued by the Township shall include, at a minimum, the following information: The hourly wage or salary, or a good faith range of the hourly wage or salary that the Township is willing to offer for the advertised position; and a general description of all benefits and other forms of compensation that the successful applicant will be eligible to receive. Nothing in this policy prohibits the Township from offering compensation above the posted range, provided the range was disclosed in good faith. This disclosure requirement applies to all forms of job advertising, including but not limited to postings on the Township's official website, third-party job boards, public bulletins, internal announcements, union postings, or any other platform used to solicit applications for employment. Nothing in this policy prohibits the Township from offering compensation above the posted range, provided that the range was disclosed in good faith.

Before filling a position that may be considered a promotional opportunity for any current employee, unless the promotion is of a current employee and is based on a bona fide seniority system or merit system, the Township shall make reasonable efforts to inform all eligible employees in the affected department(s) of the opportunity. Reasonable efforts may include, but are not limited to: Posting the opportunity on internal bulletin boards; Email notifications to staff in the relevant departments; Notices in internal HR systems or employee portals. Such internal communication shall occur prior to the selection or appointment of a candidate for the position. All compensation disclosures must reflect the actual compensation structure and benefits offered by the Township. Ranges should be based on established pay grades or budgeted salary bands for the position. Inflated or misleading ranges are prohibited and may result in corrective action.

The Township shall retain documentation of all compensation decisions, including posted wage ranges, benefits descriptions, and records of internal promotional postings, in accordance with the record retention schedule issued by the New Jersey Division of Revenue and Enterprise Services or for a minimum of six years, whichever is longer. These records will be maintained

by the Township Manager and shall be made available as required for compliance or audit purposes.

### **Salary Adjustments**

Salary adjustments are based upon the annual policy established by Council. Individual increases are determined by the Manager based upon individual merit. An increase in pay is usually awarded on the first anniversary date of the employee's last change resulting from hiring. Subsequent salary adjustments are effective the first of January of each year. Salary increases are based on the recommendation of the Department Head with approval of the Township Manager. Increases for employees represented by organized bargaining units are stipulated in their respective agreements. At times where policy determines or salary negotiations go beyond the first of January, such adjustments may be made retroactive to the beginning of the year. All salary adjustments are subject to final approval of the municipal budget in accordance with the salary schedule as adopted by ordinance of the Township Council.

### **Retroactive Pay**

In order to be eligible for retroactive pay, an employee must be currently employed by the Township on the date the action establishing the retroactive pay is taken, e.g. adoption of the salary ordinance, execution of the collective bargaining unit contract establishing the new rate of pay, adoption of the municipal budget, etc.

## Chapter 4.02: Longevity Pay

In addition to the salaries as provided by the current salary ordinance, all Class I employees hired prior to August 26, 1997, not covered by collective bargaining agreements shall be entitled to receive longevity payments in accordance with the following schedule, based upon continuous and complete years of service with the Township or as contained in bargaining agreements.

| <u>Years of Service</u> | <u>Amount</u>    |
|-------------------------|------------------|
| 1 - 3                   | No Compensation  |
| 4 - 9                   | \$ 600 per year  |
| 10 - 14                 | \$ 700 per year  |
| 15 - 19                 | \$ 900 per year  |
| 20+                     | \$1,400 per year |

### Service Years Credit

Employees who become reclassified from Class II, III, or IV to a Class I employee shall be entitled to service years credit according to the following formula for that period of uninterrupted service immediately preceding reclassification. Service year's credit will be used for calculations of benefit days and longevity.

$$\frac{\# \text{ years' service } \times \text{ hours worked part time }}{1820} = \text{SERVICE YEARS CREDIT}$$

## **Chapter 4.03: Health Benefits**

- A. All Class I employees shall receive Health and Insurance benefits as prescribed by the Township Council of the Township of Pequannock. All other employee classifications shall not be entitled to such benefits unless provided by approved agreement.
- B. The Township shall implement the provisions of P.L. 2011, Chapter 78 which requires employee contributions towards health benefit costs. The associated phase in of contributions and percentage of premiums are hereby recognized and are established in accordance with state law.
- C. After twenty-five years of full-time service to the Township, a Class I employee upon retirement will be eligible to receive paid health benefits in effect at the time of retirement and pursuant to paragraph B of this section (Major Medical and Hospitalization) until he/she is eligible for Medicare/Medicaid coverage.
- D. Effective January 1, 2002 all employees that qualify for hospitalization coverage upon retirement from the Township shall be entitled to receive the same coverage for the retired employee's spouse at a cost to the retired member of \$4,200.00 per year payable at a rate of \$350.00 per month. Said cost will be adjusted from time to time.
- E. Effective January 1, 2024 eligible employees shall be permitted the opportunity to opt out of group health insurance coverage during each annual enrollment period. Any employee who opts out shall receive 25% of the savings, not to exceed \$5,000. Members may opt back into coverage based on a qualifying event under COBRA at the rate established had they not opted out, and may opt back into coverage during any subsequent annual enrollment period.
- F. Effective January 1, 2014 accumulated paid time off benefit time in excess of forty five (45) days may be used by the employee to buy back benefit time at the employees then current rate of pay to offset any mandatory health benefit costs. Benefit costs shall be calculated on a quarterly basis to allow the employee an opportunity to determine the employees selected method of payment. At any time accumulated paid time off is reduced below the minimum forty five days (45), payroll deductions shall be made at the employees then current rate of pay to cover the employees mandatory health benefit costs, except the minimum of forty five (45) days shall be waived when an employee either; declares their retirement date and such date is accepted by the Township; or, the employee is pension eligible. An employee may elect to utilize PTO to buy back benefit time to offset mandatory health benefit costs during the open enrollment period or should the employee experience a life changing COBRA eligible event. Election to use PTO for this purpose at any other time of the year will not be permitted.

G. Retired employees who are eligible for health insurance as provided for in paragraph C of this section shall, when they become eligible for Medicare/Medicaid be enrolled in such program and shall maintain that enrollment. The Medicare/Medicaid plan shall then become the primary health insurance program. The Township shall only provide reimbursement for secondary Part B coverage for the employee as a supplement to Medicare/Medicaid. However, should there be a younger spouse for whom the retired employee would otherwise be entitled to purchase continuing health benefits coverage under the provisions of paragraph D of the section, that provision shall continue until such time that the spouse is eligible for Medicare/Medicaid at which time the Township plan for the spouse shall be terminated.

H. Retired employees who are eligible for continued health coverage under the terms of paragraph C of this section and become eligible for a group health plan as a result of post retirement employment shall enroll in the employer sponsored health plan and notify the Township of the effective date of the alternate coverage. The retiree can resume coverage under the Township's plan in the event that group coverage is no longer available to him/her.

## **Chapter 4.04: Group Life Insurance**

Class I employees are provided \$6,500 Group Life Insurance coverage at no cost to the employee. Upon termination of employment with the Township, the employee can, if they so choose, continue the Life Insurance policy at the employee's own expense.

## **Chapter 4.05: Ancillary Benefits**

Dental, Prescription and other ancillary benefits may be provided to Class One (1) employees in a manner constant with the applicable plan document. For additional information on ancillary benefits, please see the Payroll Administrator.

## **Chapter 4.06: Deferred Compensation Policy**

The Township participates in a 403(b) tax sheltered retirement savings program commonly known as "Deferred Compensation." This program allows employees to invest pre-tax dollars into various investment vehicles with all funds, including interest, credited to the employee's account tax sheltered until retirement or 70 years of age. Additional details of this program may be obtained from the Finance department of the current investment companies authorized by the Township.

## **Chapter 4.07: Retirement Policy**

Benefits paid upon retirement are in accordance with provisions of the State Public Employee Retirement System and/or the Police and Fire Retirement System plan. New members will be enrolled in the appropriate system. Additional information explaining benefits and membership is available from the Payroll Administrator.

## **Chapter 4.08: Workers Compensation Policy**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Township covers workers compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the Township's joint insurance fund and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Township will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to *N.J.S.A. 11A:6-8*.

Any employee who is injured while on the job is to complete an "Accident/Theft/Loss Notification Report" and a Workers' Compensation report. Department Heads will review and forward reports to the Manager's Office. The payroll office will receive copies of compensation forms.

## **Chapter 4.09: Employee Assistance Policy**

The Township of Pequannock provides an Employee Assistance Program to full time employees through the Township's insurance provider. Should anyone have any questions regarding access to the benefits provided, please contact your Department Head or the Township Manager. Part-time / seasonal employees who require such services from a job related incident may be provided coverage through the Township's workers' compensation insurance provider, should the incident be determined as one that is covered.

### **CONCERN Employee Assistance Program**

Beginning on September 1, 2025, employees and eligible family members have access to the CONCERN Employee Assistance Program, which is provided through a contract with the Atlantic Health System. CONCERN is a behavioral health program that delivers EAP services to employees and families by offering confidential, direct connections to information and professional support to address full range of issues.

If an employee or eligible family member is in need of services, one - three sessions per event are available by calling CONCERN.

- Direct Phone Access: To access CONCERN EAP, employees and eligible family members of the Township of Pequannock will call 1-800-242-7371.

If an employee or eligible family member is experiencing a crisis, a 24-hour hotline is available.

- Hotline Phone Access: Hotline crisis intervention services for psychiatric and chemical dependency emergencies are available to all employees and dependents 24 hours a day by calling 973-540-0100. During non-business hours the crisis intervention hotline can also be accessed through CONCERN's number (1-800-242-7371).

## **Chapter 4.10: Educational Assistance and Training Policy (Conferences and Seminars)**

The Township encourages training and professional development, which is a benefit to both the Township and the employee/municipal official. Subject to the availability of funds, seminars and training sessions for employees/municipal officials are paid for by the Township when and where such action is deemed appropriate for reaching Departmental goals.

Department Heads may be provided with the means of attending:

- one national professional conference each year,
- the State League Conference,
- state professional association conferences, and
- payment for membership in national, state and local professional associations subject to the availability of funds.

An employee/municipal official who is not a Department Head may be provided the opportunity to attend conferences, seminars, and training sessions. Any conference or training session that is less than one (1) day, in length, may be approved by the employee's Department Head. Any conference that is greater than one (1) day, in length, is subject to recommendation by the employee's Department Head and approval of the Township Manager.

Federal and State regulations require training be provided to employees according to specific job classifications. The Township is committed to provide training necessary to protect the health and safety of all personnel.

**Reimbursement of Expenses** – Any employee/municipal official who attends an approved conference is eligible for reimbursement of expenses in an amount not to exceed \$75/day. When submitting a request for reimbursement, receipts must be submitted to the employee's department head or other appropriate official. Any requested reimbursement for mileage will be considered outside of the \$75/day maximum; mileage reimbursement shall be at the IRS rate per mile.

## **CHAPTER FIVE**

### **Managerial/Supervisory Procedures**

## Chapter 5.01: Employment Procedure

- **Recruitment:** The Township Manager in conjunction with the Payroll Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal employment opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Township Manager who will distribute notification of the vacancy to all departments. The Township Manager will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Township is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Township Manager or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. The Township will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job, provided the accommodation does not impose an unreasonable hardship on the Township, and provided the accommodation will be effective in allowing the individual to perform the essential functions of the job.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Township Manager may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. Pre-employment, post-offer examinations may be conducted only if all applicants for the position are required to undergo such examinations. The Township Manager may require periodic physical examinations to determine the employee's continued ability to safely perform the essential functions of the position. All physical examinations must be performed by a physician chosen by the Township at the expense of the Township. All medical records of employees and prospective employees are confidential and are to be maintained by the Payroll Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- **Drug Screening:** All new employees hired into safety-sensitive positions will be subject to a drug screen via urinalysis. Failure of the initial employment drug screen for the presence of illegal drugs or drugs taken illegally will be grounds for not hiring the prospective employee or the termination of the employee's employment, should the employment have initiated prior to receipt of the results of the drug screen.

- **Job Offers:** The final decision will be made by the Township Manager or his/her designee after all references and other information has been verified. The employment offer may be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Township Manager may decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** Pursuant to the Immigration Reform and Control Act of 1986 (IRCA), the Township is required to verify the identity and employment authorization of all individuals hired for employment in the United States, regardless of citizenship. All new staff members must complete Form I-9, Employment Eligibility Verification, no later than the first day of employment. This process may begin only after an offer of employment has been made and accepted.

The employee must also present original documents from the lists of acceptable documents published by the U.S. Department of Homeland Security to verify both identity and authorization to work in the United States. Failure to complete the I-9 form or to provide the necessary documentation within three (3) business days of the first day of employment will result in suspension or termination of employment. Employees involved in completing or managing I-9 forms must ensure compliance with federal documentation limits and proper electronic recordkeeping. Overcollection of documents or unverified storage may expose the Township to audit penalties.

- **Continuing Employment Authorization:** Employees who possess temporary work authorization must present updated documentation before their current authorization expires. Failure to do so may result in removal from the payroll or termination of employment, as continued employment without valid work authorization is prohibited by federal law. Employees who knowingly submit false, altered, or fraudulent documents in connection with the I-9 process shall be subject to immediate termination of employment and may be referred to federal authorities. The Township has zero tolerance for document fraud or misrepresentation related to work eligibility. The Township shall retain all completed I-9 forms for the duration of the employee's employment and for the period required by federal law thereafter.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Payroll Administrator of Office of the Township Manager. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least seven years. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

## **Chapter 5.02: Criminal Background Checks and Procedures for Employees and Candidates for Employment**

### **Purpose of the Policy**

The purpose of this policy is to create a uniform process for conducting criminal background checks in those circumstances in which the Township deems it to be job-related and consistent with business necessity to conduct such background checks in connection with employment in specific officer or positions. This policy allows the Township to become aware of pertinent information regarding employees and candidates for employment that is job-related and consistent with business necessity, and to avoid foreseeable risks of harm to employees and the public, without discriminating against employees and candidates for employment based upon characteristics protected by state and federal anti-discrimination laws. As required by New Jersey law, (P.L. 2017, c.183), this policy is designed to assure compliance with the Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions issued by the Equal Employment Opportunity Commission (EEOC), Number 915.002, on April 25, 2012.

### **Background Checks When Required**

If required for the specific offer or position in questions, the Township will perform criminal background checks on candidates, after they receive and accept an offer of employment with the Township. Background checks may continue to be administered every three years for any employee who works directly or indirectly with children/youth/minors. Periodic background checks may also be conducted for other positions or offices when required by law, or as necessary to assure the individual's ability to continue to perform the essential functions of the office or position he or she holds.

A criminal record does not automatically disqualify an employee or candidate for employment from employment with the Township. As described in more detail below, the Township will review any revealed criminal history and make a determination on a case by case basis in light of the nature of the crime, the time elapsed since conviction or completion of sentence, and the office or position in question.

### **Background Check Procedure**

The Township Manager, or such other Township official as may be assigned, will perform or initiate background checks, and be the recipient of reports from outside agencies or contractors.

The background check process is initiated by having the employees and candidates for employment complete a written consent form to perform the criminal background check.

- Written information received from the State Bureau of Identification, New Jersey Division of State Police, pursuant to a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose to the extent so required by applicable regulations. Such information

will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.), as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

- If the Township decides to contract with a private contractor to process the background checks, that contractor may be authorized to inform the person in writing of any information which disqualifies the person from employment. Background checks conducted by private contractors shall be conducted in accordance with the federal Fair Credit Reporting Act.

The Township Manager, or such other Township official as may be assigned, will discuss the revealed criminal background information received with individual. If the individual disputes the information, he/she shall be allowed a reasonable period of time to correct the information. However, when the revealed information disqualifies the employee from fulfilling or performing the essential functions of his or her office or position or reveals a risk of harm to other employees or the public, the individual shall be relieved of all such responsibilities pending this reasonable period of time. If an existing employee does not contest the information or is unable to have the information corrected after a reasonable period of time, the employee will be placed on immediate suspension pending the outcome of any appeal. Employee suspensions may be with or without pay at the discretion of the Township.

Should the Township determine that a criminal record prevents an individual from holding his/her office or position with the Township, the Township shall inform the individual in writing of the basis for disqualification.

### **Excluded Inquiries**

Effective July 1, 2021, the Township will not inquire into, require the disclosure of, or take adverse action against employees or applicants based on the following prior arrests, charges, convictions or adjudications of delinquency:

- *N.J.S.A. 2C:35-5(b)(11)*(manufacture, distribution, dispensing, or possession with intent to commit the foregoing acts, of one ounce or more but less than five pounds of marijuana or five grams or more but less than one pound of hashish).
- *N.J.S.A. 2C:35-5(b)(12)*(manufacture, distribution, dispensing, or possession with intent to commit the foregoing acts, of less than one ounce of marijuana or less than five grams of hashish).
- Either of the two preceding offenses combined with a violation of *N.J.S.A. 2C:35-7* (violation within 1,000 feet of a school), or *N.J.S.A. 2C:35-7.1*(violation within 500 feet of a public housing facility, public park, or a public building).
- *N.J.S.A. 2C:35-10(a)(3)* or *(4)*(unlawful possession of marijuana or hashish).

- *N.J.S.A. 2C:35-10(b)*(unlawfully using or being under the influence of a controlled substance).
- *N.J.S.A. 2C:35-10(c)*(coming into possession of a controlled substance and not surrendering it to law enforcement).
- *N.J.S.A. 2C:36-2*(use of, or possession with intent to use, drug paraphernalia).
- Any federal law or law of another state for a crime or offense which, if committed in New Jersey, would be a violation of the offenses listed above.

The foregoing shall not apply to persons applying for positions in law enforcement, corrections, the judiciary, homeland security, or emergency management.

### **Conditions Under Which an Employee or Candidate for Employment Will Be Disqualified**

An employee or candidate for employment may be disqualified from employment when a criminal background check reveals a record of conviction of any crime or disorderly persons offense, as defined by New Jersey law, by analogous laws in other States, or by federal law, that reflects adversely on the employee's ability to perform the job he/she was hired for. For example, employees and candidates responsible for working with children/youth/minors may be disqualified based on a conviction for:

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

Disqualification will be based upon a conviction for a disqualifying crime and offense. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a crime or offense (except when applicable law requires consideration of expunged crimes or offenses), will not be considered a disqualifying conviction.

An arrest record standing alone shall not be used as the basis for an adverse employment action. An arrest may in some circumstances trigger further inquiry into the underlying facts and circumstances. In such a case, adverse employment action may be taken based on the underlying facts and circumstances to the extent they are job related for the specific office or position in question and are consistent with business necessity. However, adverse action will not be taken solely based on the fact that a candidate has an arrest record.

In making a determination whether the record of conviction disqualifies an employee or candidate for employment, the Township shall take into account the nature of the crime or offense, the time that has elapsed since conviction or completion of sentence, and the nature of the employee's position. Specifically, the Township shall determine whether the exclusion is job related for the specific office or position in question, and consistent with business necessity.

In applying these criteria, the Township shall treat employees and candidates for employment equally, and shall not discriminate based on race, nationality or any other characteristics protected by the state or federal discrimination laws.

### **Appeal Process**

Once an employee or candidate has been notified of a disqualifying conviction, such individual has 14 calendar days to file a Notice of Appeal with the Township. Such Notice of Appeal must be submitted in writing to the Township Manager. The Notice of Appeal should explain whether the information on which disqualification is based is inaccurate or incomplete or provide evidence of rehabilitation. The decision on appeal shall be made by the Appeals Committee, which shall be comprised of at least three persons whom the Township shall designate.

During the 14-day period listed above, and until the issuance of the decision on the appeal, an employee will remain on suspension if the Township determines that suspension is warranted.

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

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.

9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.
10. Whether the individual performed the same type of work after the conviction, with the same or different employer, with no known incidents of criminal conduct.
11. The length and consistency of employment history before and after the offense or conduct.
12. Employment and character references and any other information regarding fitness for a particular position.

The Township will issue a written determination on the individual's appeal of their disqualifying conviction, setting forth the reasons for the determination. Such decision shall be final.

### **Chapter 5.03: Open Public Meetings Act Procedure Concerning Personnel Matters**

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

## **Chapter 5.04: Processing and Orientation of New Employees Procedure**

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

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training, when and where appropriate.

If a newly hired employee is hired into a position represented by an exclusive representative employee organization, (labor union), the exclusive employee representative organization shall be entitled to meet with the newly hired employee within thirty (30) calendar days of the date of hire for a minimum of 30 minutes to a maximum of 120 minutes, without loss of pay or charge to the leave time of the employee. These meetings may occur in conjunction with the newly hired employees' general orientation meetings.

Unless otherwise negotiated, within 10 calendar days from the date of hire of a new negotiations unit employee, the following contact information shall be provided to the applicable exclusive representative employee organization in an Excel file format or other format agreed to by the exclusive representative employee organization: name, job title, worksite location, home address, work telephone numbers, any home and personal cellular telephone numbers on file, date of hire, work email address and any personal email address on file.

## **Chapter 5.05: Initial Employment Period and Categories of Employment**

### **Probationary**

All new employees, except police officers, will serve a probationary period of three (3) months. The probationary period for police officers is one (1) year after graduation from the police academy. In the absence of statutory tenure protection or contractual agreement to the contrary, all Township employees are employees at-will who may be removed at any time, with or without cause or without notice, regardless of whether the probationary period has been completed.

### **Permanent**

Any employee who successfully completes their probationary period for either a part-time or full-time position becomes a permanent employee. The Township has four levels of employment based on hours worked. Each Classification level has varying degrees of personnel benefits associated with their respective level. The definition of each Class is as follows:

*Class I Employee* - Employment for a period of at least thirty-five (35) hours per week for fifty-two (52) weeks per year.

*Class II Employee* - Employment for a period less than thirty-five (35) hours but more than ten (10) hours per week for fifty-two (52) weeks per year.

*Class III Employee* - Employment for a period more than ten (10) hours per week at least twenty-six (26) but not more than fifty-one (51) weeks per year.

*Class IV Employee* - Employment for a period less than eleven (11) hours per week or less than twenty-six (26) weeks per year.

All employees, regardless of their classification are bound by the policies of the Township and are subject to uphold all rules and regulations. The benefits you qualify for depend on the actual position you hold.

Holding permanent status does not guarantee continued employment. Unless otherwise provided by law, individual contract of employment or collective negotiations agreement, all Township employees are employees at will who may be terminated with or without notice and with or without cause.

## **Chapter 5.06: Employee Handbook Procedure**

The Township Manager, with the assistance of the senior and associated staff will prepare the Manual/Handbook for the Township Council's Approval. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual/Handbook will be revised and re-distributed as needed and at least every two years.

## Chapter 5.07: Performance Evaluation Procedure

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as training needs, promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

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

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Township Manager. After review by the Township Manager, the form(s) are to be maintained in the Office of the Township Manager for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Township Manager to review his/her evaluation.

## Chapter 5.08: Disciplinary Action Procedure

All employees are expected to meet the Township's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and, when deemed by the Township to be appropriate, provide the employee with a reasonable time to improve performance. Supervisory personnel should take care to distinguish between remediable issues of inadequate work performance that would warrant action of a corrective nature, as opposed to acts of serious misconduct warranting immediate sanctions of a more severe nature, up to and including termination, regardless of the employee's prior record or job performance.

Should a supervisor believe that an employee is not conforming to the Township's policies and rules or to specific instructions, or has acted improperly, except in exigent circumstances, the supervisor will first investigate the matter, including meeting with the employee whenever possible. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity of the conduct and all relevant facts and circumstances. At the discretion of the supervisor and the Township Manager, action may begin at any step, and/or certain steps may be repeated or bypassed. Except where applicable law, an individual contract of employment or applicable collective negotiations agreement Township reserves the right to terminate the employment of any individual based on the Township's determination that continued employment of that individual is no longer in the best interests of the Township and/or the public.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Office of the Township Manager for the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Township Manager. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Office of the Township Manager for the employee's official personnel file.
- **Township Manager Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Township Manager, the employee will be so advised and a meeting arranged with the Township Manager at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.

- **Suspension:** Whenever an employee is recommended for suspension, the Township Manager will make the decision and may seek the advice of the Township Attorney or applicable special counsel, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Township Manager will make the decision only after seeking the advice of the Township Attorney or applicable special counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

## **Chapter 5.09: Personnel File Procedure**

The official personnel files shall be maintained by the Office of the Township Manager and employee medical information will be maintained in a separate file. The files will be periodical reviewed to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file may include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation, when and where appropriate;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Emergency Information Form – Upon appointment, employees are required to complete an "Emergency Information Form." This enables municipal officials to contact family or friends in the event of accident or illness. It is the responsibility of the employee to keep the information on this form current.
- Educational transcripts; and
- Any other pertinent information.

## Chapter 5.10: Employee Complaint Investigation Procedure

These procedures shall be utilized to investigate complaints filed by employees.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor, Department Head, or member of the governing body must report all written or verbal complaints to the Township Manager unless the complaint is against the Township Manager. Upon receipt, the Township Manager will determine the nature of the complaint and the applicable complaint policy under which the complaint is to be processed, and shall open a file on the matter.
- **Investigation:** The Township Manager will seek the advice of the Township Attorney or applicable special counsel when planning the investigation. The investigation should be overseen by the Township Attorney or applicable special counsel. The Township may designate an investigator from among Township personnel or, in its discretion, retain a qualified professional to conduct the investigation. The attorney who is overseeing the investigation and shall be providing legal advice to the Township regarding same shall not be assigned to investigate the matter. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. Allegations involving potential criminal wrongdoing are to be referred to the County Prosecutor, and the Township shall take further investigatory action only as the County Prosecutor directs.
- **Response Plan – No Corrective Action Required:** The Township Manager will discuss the conclusions with the Township Attorney or applicable special counsel and render a decision as soon as practicable after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is unsubstantiated, the complaining employee should be notified in writing. The employee should be assured that future complaints will be investigated and that the Township is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, appropriate disciplinary action, up to and including termination, shall be taken.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is substantiated or that corrective action is necessary, the Township Manager will formulate with the advice of the Township Attorney or applicable special counsel a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that the complaint was sustained and/or that an appropriate response plan has been formulated. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

- **Warning Against Retaliation:** Regardless of the outcome of the investigation, all participants shall be cautioned in writing against taken retaliatory action against any person, and shall be invited to report any retaliatory action taken against them.

## **Chapter 5.11: Requests for Employment Verification and Reference Procedure**

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

In response to a request for information, the Payroll Administrator will only verify an employee's name, job title, position, salary, payroll record, length of service, date of separation and reason therefor and, if applicable, the amount and type of pension received. No other data or information will be furnished unless (1) the Township is required to release the information by law or (2) the employee or former employee authorizes the Township in writing to furnish this information and releases the Township from liability.

## **Chapter 5.12: Continuing Education Procedure**

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

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

## **Chapter Seven**

### **Protection and Safe Treatment of Minors**

## Chapter 6.01: Policy Addressing the Protection and Safe Treatment of Minors

### I. Purpose and Scope:

Under New Jersey law (N.J.S.A. 9:6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child, or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education, or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

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

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

- In New Jersey, abuse reports involving 80,000 children are filed each year. Fifty thousand of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

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

***"Peer-to-Peer"*** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least four years older to trigger the statute. The *American Psychological Association* reports this type of abuse is

driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.

In contrast, "**adult-to-child**" abuse is typically thought out and planned in advance, demanding access, privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** However, it is important not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.

Child sexual abusers are not always easy to spot. Though seven out of every eight molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% abuse children that they don't know, and 68% look no further than their own families for victims.

40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.

Adolescent abusers generally begin their acts of abuse on younger siblings.

Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for their dedication to children.

In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely, or troubled children, especially those who live with step-parents or single parents, may be targeted. Children between the ages of 7 and 13 are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

Molesters have behavioral patterns that can be identified as "***grooming***" their victims. Sexual abuse is rarely violent. The molester's goal is to solicit compliance by beginning to win the victim's trust. There might be pet names, gifts to foster exclusivity, and encouragement to "keep secrets." The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent anymore, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.

During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

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

- At the State level:
  - State law is enforced through the N.J. Family Division of the State court system. The court has broad powers, including the ability to remove children from dangerous situations
  - The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates, and law enforcement.
  - The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
- At the local level:
  - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
  - Housing Authority employees may also frequently come into contact with children.
  - Municipalities and counties operate or sponsor a variety of programs that involve children, including but not limited to:
    - Recreation programs
    - Before and After Care programs
    - Youth sports leagues
    - Youth centers
    - Youth in Government programs
    - Junior law enforcement training programs
  - The role of **law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of**

**Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds "probable cause" that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family, or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now, if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The Township of Pequannock is committed to the safety of all individuals in its community; however, the Township has a particular concern for those who are potentially vulnerable, including minor children. The Township of Pequannock regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees, and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but is typically in a caregiver role. They can have any relationship to the child, including a playmate, family member, a teacher, a coach, or instructor.

The Township of Pequannock is fully committed to protecting the health, safety, and welfare of minors who interact with officials, employees, and volunteers of the Township to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Township or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Township of Pequannock or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

## **II. Definitions:**

- **Authorized Adult**- Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.
- **Child or Minor** - A person under the age of eighteen (18).
- **Department Heads**- Appointed department heads of the (local unit type), including the chief administrative officer, and any assistants.

- **Direct Contact** - Positions with the possibility of care, supervision, guidance, or control of children or routine interaction with children.
- **Dual Reporting** – Reporting possible abuse to both the N.J. Department of Children and Families and law enforcement at the same time by the individual designated by the (local unit type) to report all possible cases of abuse.
- **Employees, Staff, or Counselors** – persons working for the (local unit type) on a full-time or part-time basis, and compensated by the (local unit type).
- **Facilities** - Facilities owned by, under the control of, or rented or leased to the (local unit type).
- **Grooming** - is when someone builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.
- **N.J.M.E.L. JIF**-New Jersey Municipal Excess Liability Fund Joint Insurance fund
- **Officials** – Elected officials of the (local unit type), appointed Board members, and Authority Commissioners
- **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent, or legal guardian being present.
- **Programs** - Programs and activities offered or sponsored by the (local unit type).
- **Volunteers**-Individuals volunteering their time to provide services to the (local unit type) who are not on the payroll and receive no compensation.

### III. **Policy:**

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

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

- i. All prospective employees and volunteers whose rolls and responsibilities involve interacting with minors shall undergo a thorough and complete background check, including the following:
  - a. National Database Criminal History Search
  - b. National Sex Offender Search
  - c. Social Security Verification
  - d. Address History
  - e. FBI Most Wanted List
  - f. Global Watch List

Written documentation of the background check shall be maintained by the Township in perpetuity.

- ii. Background checks that disclose any negative or questionable results must be reviewed and approved by the Township Manager **prior to** the individual being hired and/or working with minors.
- iii. All prospective employees and volunteers whose rolls and responsibilities involve interacting with minors must complete the training adopted by the Township of Pequannock prior to starting employment or volunteer service.
- iv. The Township of Pequannock may periodically re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
- v. Once employed, authorized Adults who are employed are required to notify the appropriate Township Manager of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

### V. Procedures and Responsibilities of Officials:

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been

entrusted to the care of the Township of Pequannock. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Township of Pequannock.

Supervisory Employees of the Township of Pequannock are required to:

- i. Complete the initial training course adopted by the Township of Pequannock, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The training program will include the following concepts:
  - Recognizing the signs of abuse and neglect of minors.
  - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
  - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
  - Becoming familiar with the legal requirements to report suspected cases of abuse.
  - Fully understanding the legal consequences for not being diligent in making certain that employees of the Township of Pequannock adhere to all policies and procedures as adopted.
- ii. Meet ***periodically*** with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors" and to verify that the administration is adhering to this policy which includes all of the following provisions. If the policy is not being adhered to, it is the legal obligation of the officials of the Township of Pequannock to implement whatever changes are necessary as soon as possible to make certain the policy is followed.
- iii. Conduct ***random and unannounced*** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Township of Pequannock.

## VI. Program Procedures:

All Township of Pequannock programs operated by, sponsored by, or affiliated with the Township shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could potentially interact with minors, shall adhere to the following policy.

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

- a. Establish a procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions.
- b. Make certain that where applicable all program participants provide a Medical Treatment Authorization form to the Township of Pequannock.
- c. Implement and adopt a "Code of Conduct" for volunteer and paid staff members, which, at a minimum, will include the following:

### **Code of Conduct**

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents, and staff.
- Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

In addition to the Code of Conduct, the following shall be a part of the specific program provisions:

- The Township of Pequannock may set forth rules and procedures governing when and under what circumstances participants may leave the Township's property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyberbullying is prohibited and will be addressed immediately.
- No use of tobacco products will be tolerated.
- Misuse or damage of Township property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited, including the use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Township of Pequannock to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- For all programs, the Township will have a staff member involved who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
- Take appropriate steps to ensure that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian.
- When and where applicable the responsibilities of counselors will include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all of the rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

## **VII. Procedures for Law Enforcement Officers:**

Law enforcement officers of the Township of Pequannock frequently interact with minors in a variety of ways. All interactions will be in accordance with NJ Attorney General Guidelines, adopted Department Policies and Procedures and requirements of any/all other applicable Township Policy.

## **VIII. Training Requirements:**

Individual training courses have been designed for each of the following categories, and all officials, employees, and volunteers of the Township whose rolls and responsibilities involve interacting with minors are required to complete training (and refresher course training) adopted by the Township of Pequannock. All required employees shall complete the training course. Although training records will be maintained, it is recommended that the Township of Pequannock and individual trainees also keep copies of their own training records.

a. Elected Officials, Appointed Officials, Department Heads, and Supervisors:

All elected officials, appointed officials, department heads, and supervisors shall complete the initial virtual training course offered by the NJMEL, *“PROTECTING CHILDREN FROM ABUSE”* and any updated/refresher course in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The course includes the following:

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

b. Volunteers and Employees of the Township of Pequannock

All required employees and volunteers shall complete training provided by the NMEL in the form of the *“PROTECTING CHILDREN”* video on protecting children on the MEL website and found at:

**<https://njmel.org/mel-safety-institute/model-policies/protecting-children-videos/>**

i. Course Content shall include:

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

c. Law Enforcement Officers

i. Course Content shall include:

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

**IX. Reporting Suspected Child Abuse/Neglect:**

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.

The following procedures shall be utilized in reporting suspected cases of abuse. The Township of Pequannock may also train officials, department heads, employees, and volunteers in the concept of "dual reporting," which involves reporting the suspected abuse to local law enforcement in addition to reporting the abuse to the Department of Children and Families. Reporting suspected abuse to local law enforcement is critically important in cases where there is the potential for violence.

Child Abuse is a hard thing to talk about, especially with victims. The most important thing to remember is to show calm reassurance and unconditional support. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. Do not "investigate" an abuse situation. Do not interrogate the child. Instead report it immediately, as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible, and report the abuse to local law enforcement.

As noted above, it is highly recommended that, whenever possible, officials, employees, and volunteers report the suspected abuse to both the N.J. Department of Children and Families and law enforcement at the same time, which is known as "dual reporting."

For everyone involved with programs conducted by the Township of Pequannock:

Report the suspected abuse to the New Jersey Department of Children and Families. Please be prepared to include the following information to the extent the information has been told to you.

- a) **Who:** The child and parent/caregiver's name, age, and address and the name of the alleged perpetrator and that person's relationship to the child.
- b) **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child, and what caused you to become concerned.
- c) **When:** When the alleged abuse/neglect occurred and when you learned of it.
- d) **Where:** Where the incident occurred, where the child is now, and whether the alleged perpetrator has access to the child.
- e) **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

Call the Hotline established by the N.J. Department of Children and Families, **1-877-652-2873**. It is not the supervisor's role to decide whether a case should be reported. All cases shall be reported.

For ***Law Enforcement Officers***: Immediately report any suspected or alleged cases of abuse or neglect to the New Jersey Department of Children and Families and to the County Prosecutor.

**X. Important Information Regarding Reporting Suspected Abuse Under NJ Law:**

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Township of Pequannock encourages all officials, employees, and volunteers in programs operated by the Township or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.
- ii. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions is a disorderly person.
- iii. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.

**XI. Acknowledgment of Receipt and Review of Policy:**

All officials, employees, and volunteers shall sign and date an acknowledgment form that confirms they have received this manual.

## **Appendix A: Indicators of Child Abuse/Neglect**

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

### **Indicators of Child Abuse / Neglect**

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

#### **Physical Abuse**

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

#### **Physical Neglect**

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

## **Sexual Abuse**

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

## **Emotional Maltreatment**

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

## **Appendix B – Grooming Behavior**

Grooming is when someone builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

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

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

## **CHAPTER SIX**

### **Model Forms**



Tel: (973) 835-5700  
Fax: (973) 835-1152

Month, Date, Year

**Via Hand Delivery**

[Name]

**Re: Notice of Closed Session Discussion of Personnel Matter**

Dear \_\_\_\_\_:

The Township of Pequannock hereby advises you that it intends to discuss and act upon matters concerning your employment. Specifically, the Township Council shall discuss {subject}. The Township Council will meet at its regularly scheduled meeting at approximately \_\_:00 p.m. on \_\_\_\_\_, \_\_\_\_\_, in [insert name of room] at the Township Municipal Building. The Township Council intends to discuss this matter in closed session unless you request in writing, on the attached Response Notification Form, that the discussion be conducted in public session.

No formal action will be taken during any closed session; however, upon conclusion of the closed session discussion, the Township Council may take such action in open public session as it deems appropriate based upon the results of its closed session discussion.

Please be further advised that under the New Jersey Open Public Meetings Act, you have the right to have the discussion of this matter conducted during an open public session rather than closed session. If you want this discussion to be conducted during the open public session, you must complete the form below, sign it, and return the signed copy to the Township Manager's office not later than 5:00pm on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_. **Please note that discussion of this matter in open public session may result in public disclosure of otherwise-confidential personnel-related information about you that would remain confidential if the discussion takes place in closed session. By requesting an open public discussion, you therefore are knowingly consenting to public disclosure of matters concerning you that otherwise would have remained confidential.**

Please submit the completed Response Notification Form to the Township Manager's office not later than 5:00pm on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

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**RESPONSE NOTIFICATION FORM**

**LOCATION:** [insert location here]

REQUEST FOR TOWNSHIP COMMITTEE TO GO INTO PUBLIC SESSION – I, [insert name], hereby request that the Township Council conduct its discussion of the personnel matter involving me in a public session. I am aware that discussion of this matter in open public session may result in public disclosure of otherwise-confidential personnel-related information about me that would remain confidential if the discussion takes place in closed session. By requesting an open public discussion, I am knowingly consenting to public disclosure of matters concerning me that otherwise would have remained confidential.

---

[insert name]

Dated: \_\_\_\_\_



Tel: (973) 835-5700  
Fax: (973) 835-1152

September 9, 2025

**Re: Employee Complaint Notification Letter**

To all Township of Pequannock Employees:

Enclosed is a Conscientious Employee Protection Act ("Whistleblower Act") Notice prepared by the State of New Jersey. State law requires that this Notice be distributed to you annually.

Please sign the acknowledgement below and return it to the Office of the Township Manager.

Sincerely,

/S/ Adam W. Brewer

Adam W. Brewer  
Township Manager

# Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

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

## CONTACT INFORMATION

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

***This notice must be conspicuously displayed.***

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



# **Pequannock Township 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:**

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

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**Identify all persons with knowledge of the complained conduct:**

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

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**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.**

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

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**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.**

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**What is your requested remedy for this complaint?**

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## **ACKNOWLEDGMENT**

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

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

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

# Township of Pequannock

530 Newark-Pompton Turnpike  
Pompton Plains, NJ 07444

Date: \_\_\_\_\_

## Employment Application:

### Applicant Information:

Name (Last, First, Middle): \_\_\_\_\_

Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

Phone (Work): (    ) \_\_\_\_\_ (Home): (    ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Position applied for: \_\_\_\_\_

Have you ever applied to the Township before: \_\_\_\_ Yes \_\_\_\_ No If yes, give date \_\_\_\_\_

Date you can start: \_\_\_\_\_ Salary desired: \_\_\_\_\_

Are you available to work: \_\_\_\_ Full time \_\_\_\_ Part time \_\_\_\_ Shift work \_\_\_\_ Temporary

Are you currently employed: \_\_\_\_ Yes \_\_\_\_ No May we contact you at work: \_\_\_\_ Yes \_\_\_\_ No

May we contact your current employer: \_\_\_\_ Yes \_\_\_\_ No

Are you currently on layoff status and subject to recall: \_\_\_\_ Yes \_\_\_\_ No

Do you possess a current driver's license: \_\_\_\_ Yes \_\_\_\_ No

Do you possess a current commercial driver's license: \_\_\_\_ Yes \_\_\_\_ No

Please list any endorsements: \_\_\_\_\_

If you are under eighteen years of age, can you provide proof of eligibility to work: \_\_\_\_ Yes \_\_\_\_ No

Are you legally eligible to work in the United States of America: \_\_\_\_ Yes \_\_\_\_ No

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

**The Township is an Equal Opportunity Employer M/F**

**Employment History:** This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

|                                                |                  |            |                                      |
|------------------------------------------------|------------------|------------|--------------------------------------|
| Employer:                                      | Date started:    | Date left: | Work performed/<br>responsibilities: |
| Address:                                       | Starting Salary: |            |                                      |
| Job Title:                                     | Final Salary:    |            |                                      |
| Reason for leaving:                            |                  |            |                                      |
| Supervisor's name and phone number:            |                  |            |                                      |
| May we contact for a reference: ___ Yes ___ No |                  |            |                                      |
| Employer:                                      | Date started:    | Date left: | Work performed/<br>responsibilities: |
| Address:                                       | Starting Salary: |            |                                      |
| Job Title:                                     | Final Salary:    |            |                                      |
| Reason for leaving:                            |                  |            |                                      |
| Supervisor's name and phone number:            |                  |            |                                      |
| May we contact for a reference: ___ Yes ___ No |                  |            |                                      |
| Employer:                                      | Date started:    | Date left: | Work performed/<br>responsibilities: |
| Address:                                       | Starting Salary: |            |                                      |
| Job Title:                                     | Final Salary:    |            |                                      |
| Reason for leaving:                            |                  |            |                                      |
| Supervisor's name and phone number:            |                  |            |                                      |
| May we contact for a reference: ___ Yes ___ No |                  |            |                                      |
| Employer:                                      | Date started:    | Date left: | Work performed/<br>responsibilities: |
| Address:                                       | Starting Salary: |            |                                      |
| Job Title:                                     | Final Salary:    |            |                                      |
| Reason for leaving:                            |                  |            |                                      |
| Supervisor's name and phone number:            |                  |            |                                      |
| May we contact for a reference: ___ Yes ___ No |                  |            |                                      |

**Comments:**

**Education:** Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

| School:  | Years completed:<br>(Circle) | Graduated:<br>(Circle) | Major Field: |
|----------|------------------------------|------------------------|--------------|
| High:    | 1 2 3 4                      | Yes No                 |              |
| College: | 1 2 3 4                      | Yes No                 |              |
| Other:   | 1 2 3 4                      | Yes No                 |              |

**Languages:** List any foreign languages you know and indicate your level of proficiency.

| Language: | Speak Some: | Speak Fluently: | Read: | Write: |
|-----------|-------------|-----------------|-------|--------|
|           |             |                 |       |        |
|           |             |                 |       |        |
|           |             |                 |       |        |

**Special Skills & Experience:** State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

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**Comments & Additional Information:** Is there any additional information about you we should consider?

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**References:** Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

| Name & Address: | Phone Number: | Years Known: |
|-----------------|---------------|--------------|
|                 |               |              |
|                 |               |              |
|                 |               |              |

**Understandings and Agreements:**

As an applicant for a position with the Township, I understand and agree that I must provide truthful and accurate information in this application. I understand that my application may be rejected if any information is not complete, true and accurate. If hired, I understand that I may be separated from employment if the Township later discovers that information on this form was incomplete, untrue, or inaccurate. I give the Township the right to investigate the information I have provided, talk with former employers (except where I have indicated they may not be contacted). I give the Township the right to secure additional job-related information about me. I release the Township and its representatives from all liability for seeking such information. I understand that the Township is an equal-opportunity employer and does not discriminate in its hiring practices. I understand that the Township will make reasonable accommodations as required by the Americans with Disabilities Act and New Jersey Law Against Discrimination. I understand that, if employed, I may resign at any time and that the Township may terminate me at any time in accordance with its established policies and procedures. No representatives of the Township may make any assurances to the contrary. I understand that any offer of employment may be subject to job-related medical, physical, drug, or psychological tests. I also understand that some positions may involve complete background and criminal checks. *For your application to be considered, you must sign and date below.*

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

## TOWNSHIP COUNSELING ACTION PLAN

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EMPLOYEE NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ POSITION: \_\_\_\_\_

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

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

**State the reason for the counseling session:**

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

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

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**Employee should reach these goals by:**

- ☐ Immediately
- ☐ Employee is on a probationary status and will be re-evaluated on \_\_\_\_\_
- ☐ Employee is Suspended: Dates: \_\_\_\_\_

**Consequences of failure to improve or achieve goals:**

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

**Employee's Comments:**

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

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Head Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Township Manager Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **TOWNSHIP EMPLOYEE EVALUATION CHECKLIST**

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### ☐ **BE PREPARED**

- Know the objectives and goals of the meeting.

### ☐ **TIME AND PLACE**

- Choose a quiet, private spot with as few interruptions as possible.

### ☐ **CONDUCTING THE INTERVIEW**

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

### ☐ **CONCLUSION**

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

### ☐ **FOLLOW-UP**

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.

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

In accordance with Township policy and N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the Township requires background checks on all individuals who will be working with children. .

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

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFT all offenses

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

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Name (please print)

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Applicant's signature

Date

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Parent's signature (if applicant is under 18)

Date

## **Receipt for Personnel Policies and Procedures Manual**

I acknowledge that I have received a copy of Township's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor, Department Head or the Township Manager. I understand that Township is an "at will" employer and consistent with applicable Federal and State law as well as applicable bargaining unit agreements, employment with the Township is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Township has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states Township's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with Township for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Office of the Township Manager.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Department: \_\_\_\_\_



Tel: (973) 835-5700  
Fax: (973) 835-1152

### **Employee Complaint Notification Letter Acknowledgement of Receipt**

I, hereby acknowledge receipt of the Employee Complaint Notification Letter.

Please sign and date this receipt and return it to the Office of the Township Manager.

Print Name: \_\_\_\_\_

Department: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_