

CHAPTER III

PERSONNEL POLICIES*

3-1 GENERAL POLICIES.

- a. Employment in the Borough shall be based on merit and fitness, free of personal and political considerations.
- b. Appointments, promotions and other personnel actions shall be on a merit basis.
- c. Qualified Borough personnel shall be given first consideration for vacancies and new positions.
(1969 Code § 3-1.1)

3-2 ABOLITION OR MODIFICATION OF OFFICES.

The Borough Council may by ordinance abolish, increase, decrease or modify the terms and compensation of any office of the Borough, except where such office has been or is created by general law. Except where an office is abolished, no increase, decrease or modification of its terms and compensation shall affect any incumbent holding such office for the duration of the term for which he was appointed. (1969 Code § 3-1.2)

***Editor's Note:** Personnel Policies shall apply to all employees of the Borough unless superseded by Contract or Agreement.

3-3 APPOINTMENTS.

3-3.1 Power of Appointment. All employees, officers and department heads of the Borough shall be appointed and promoted by the Mayor with the advice and consent of the Council, except as may be otherwise provided by general law. (1969 Code § 3-2.1)

3-3.2 Qualifications. Original appointments to fill vacancies or for new positions shall be limited to qualified persons who have been interviewed or tested concerning such factors as education, experience, aptitude, knowledge, character and physical and mental fitness. (1969 Code § 3-2.2)

3-3.3 Preference to Borough Employees and Residents. Provided they are qualified for the positions for which they have applied, preference shall be given in appointments to fill vacancies and new positions, first to employees of the Borough and secondly, to persons who are residents of the Borough at the time of their appointment. The Mayor and Council may by ordinance provide that all officers and employees shall be residents of the Borough. (1969 Code § 3-2.3)

3-3.4 Application for Appointment. Applicants for Borough employment shall apply on forms provided by the Borough Clerk which have been designed to obtain pertinent information concerning the applicant's education, training, experience, character and other factors necessary to determine his fitness and qualification for service to the Borough. All applications shall be filed with the Borough Clerk. (Ord. No. 73-3)

3-3.5 Processing. The Borough Clerk shall be charged with processing all applications for appointment to vacancies or new positions, and reporting thereon to the Mayor and Council. Where it appears that an applicant is otherwise qualified for Borough employment, the Borough Clerk shall require that the applicant furnish evidence that he is

physically fit for the position for which he seeks employment.
(1969 Code § 3-2.5)

3-3.6 Grounds for Rejection of an Applicant. An applicant for Borough employment may be rejected where he:

- a. Is not qualified for appointment to the position for which he has applied;
- b. Is physically unfit to perform the duties of the position for which he has applied;
- c. Is addicted to the habitual or excessive use of drugs or intoxicants;
- d. Has been convicted of any crime or offense, including disorderly person's offenses involving moral turpitude;
- e. Has received other than an honorable discharge from the Armed Services of the United States.
- f. Has been dismissed from previous employment for delinquency, insubordination or misconduct;
- g. Has practiced or attempted to practice any deception or fraud in his application, or in furnishing other evidence of eligibility for appointment;
- h. Is not within the age limits that have been established for the position for which he seeks appointment.
(1969 Code § 3-2.6)

3-3.7 Temporary Employee. A temporary employee shall be defined as a person employed on a temporary basis awaiting formal confirmation of the Mayor and Council at a public meeting. In the interim between the appointment of a temporary employee and his confirmation by the Mayor and Council, the procedure should be as follows: The Chairman of the Committee shall write a notice to the Mayor stating the nature of the emergency requiring the appointment of a temporary employee and giving the name of such temporary

employee. The Mayor may then appoint a temporary employee. Such employee shall be considered for confirmation at the next public meeting of the Mayor and Council. (Ord. No. 76-3 § 3)

3-3.8 Seasonal Employment Defined.

Seasonal employee shall mean an employee hired for a specific period of time. This may be for hours, days, weeks or months, such as for the summer season. Generally the time period is for less than one (1) year. Benefits are not provided.

(New)

3-3.9 Composition. The Borough of Surf City reserves the right to appoint officers and employees as may be necessary to provide for the smooth and efficient operations of the municipality. Such appointments may be made as full time, part time, on-call, seasonal, temporary and permanent. Such appointment shall be made for a term to be determined by the governing body unless such term is prescribed by statute. (Ord. No. 2000-4 § III)

3-3.10 Terms of Employment. All persons appointed to fill a position within the Borough of Surf City shall be required to execute an agreement prescribing the terms and conditions of their employment and indicating their acceptance of such terms and conditions. (Ord. No. 2000-4 § III)

3-4 PERSONNEL MANAGEMENT.

3-4.1 Probation. Every person appointed to a new position shall be deemed to be on probation in the position to which he shall have been appointed for a period of one (1) year, but such probation shall not affect permanent status of any other Borough employment that such person may have achieved. Prior to his completion of the probationary period, such employee or officer shall be evaluated by the Mayor and Council to determine whether he shall be granted permanent

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status or dismissed. The Mayor and Council may require reports and recommendations from immediate superiors and department heads for this purpose. (1969 Code § 3-3.1; Ord. No. 72-8)

3-4.2 Personnel File. The Borough Clerk shall initiate a personnel file for each new employee of the Borough, and all records of such employee concerning qualification, permanent status, work history, accumulated vacation and sick leave, leave time and the like shall be maintained in this file. The Borough Clerk shall make such files available for inspection by the employee on a reasonable basis. (1969 Code § 3-3.2)

3-4.3 Record Keeping. It shall be the responsibility of the Chief Financial Officer to maintain the records for each employee denoting all time acquired, used, and accumulated, i.e. vacation, sick, personal and compensatory.

Department supervisors shall be required to report all time acquired or used, when it occurs or is used, on a form so designated by the Chief Financial Officer for each of his or her employees on a weekly basis through the Payroll Clerk.

Department supervisors shall meet with the Chief Financial Officer on not less than a quarterly basis to review said records for each of his or her employees.

Employees shall review a copy of the report and sign same which shall denote concurrence and finality.

All employees who intend to utilize a personal leave day shall notify, in writing, their department supervisors in his or her absence, their designee, not later than five (5) calendar days in advance. Department supervisors may make exceptions in the case of an unforeseen circumstance. Use of personal time must be approved by the department supervisors or in his or her absence, their designee and shall not be granted if it creates an overtime situation, economic hardship to the municipality or affects the overall efficient operations of the department.

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Employees and Police Officers must use their recognized personal leave days as full days only. No time shall be used as partial or fractional days.

Any personal leave days previously accumulated must be utilized by July 1, 2000. Any such time not utilized by said date shall not be paid out in cash and will be considered forfeited. (Ord. No. 99-6 § II)

3-5 WORKING CONDITIONS.

3-5.1 Hours. The official office hours of the Borough shall be set by resolution of the Governing Body.

- a. The office hours of the Assessor of the Borough of Surf City shall be set by resolution of the Governing Body. (1969 Code § 3-4.1; Ord. No. 91-5 § 1; Ord. No. 91-16 § 1; Ord. No. 92-3 § 1)

3-5.2 Holidays.

- a. This section shall not be applicable to members of the Police Department.
- b. The following official holidays with pay shall be observed by the Borough:

New Year's Day.

Martin Luther King, Jr. Day.

The third Monday in February, known as Washington's Birthday.

Good Friday.

The last Monday in May, known as Memorial Day.

Independence Day.

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Labor Day.

The second Monday in October, known as Columbus Day.

Veterans Day.

General Election Day.

Thanksgiving Day.

Friday after Thanksgiving Day.

Christmas Day.

- c. If a holiday falls on a Sunday, it shall be observed on the following Monday, and if a holiday falls on a Saturday, it shall be observed on the preceding Friday.
- d. In the event that an official holiday is observed during an employee's vacation, he shall be entitled to an additional vacation day, and should an official holiday occur while an employee is on sick leave, he shall not have that holiday charged against his sick leave.
(1969 Code § 3-4.2; Ord. No. 70-9; Ord. No. 82-8 § 1; Ord. No. 87-11 § 1; Ord. No. 2006-04 § III)

3-5.3 Vacation. The number of vacation days shall be determined by the employee's anniversary date. All vacations must be taken within two (2) years from the date earned and shall be considered noncumulative. Vacations shall be scheduled between September 10 and seven (7) calendar days prior to Memorial Day of the following year. Exceptions to this ruling may be made by the department supervisor. In the case of the department supervisor, by the Council Chair of that Committee. This schedule pertains to all full time employees and does not include part time or seasonal employees. Seniority shall prevail in the selection of time.

VACATION LEAVE SCHEDULE

The following Vacation Leave Schedule applies only to those full time employees currently employed by the Borough of Surf City.

Com- pleted Years of Service	Beginning Year		
	2005	2006	2007
One year	6 working days	7 working days	8 working days
Two years and up to and in- cluding five years	11 working days	12 working days	13 working days
Six years	12 working days	13 working days	14 working days
Seven years	13 working days	14 working days	15 working days
Eight years	14 working days	15 working days	16 working days
Nine years	15 working days	16 working days	17 working days
Ten years	16 working days	17 working days	18 working days
Eleven years	17 working days	18 working days	19 working days
Twelve years	18 working days	19 working days	20 working days
Thirteen years	19 working days	20 working days	21 working days
Fourteen years	20 working days	21 working days	22 working days
Fifteen or more years	21 working days	22 working days	23 working days

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For the vacation time earned in each year, a maximum of five (5) vacation days may be utilized on an individual basis. The remaining vacation days must be used consecutively in a minimum of one (1) week increments insofar as possible.

Employees and Police Officers must use their recognized vacation time as full days only. No time shall be used as partial or fractional days insofar as possible.

Use of vacation time must be approved by the department supervisors or, in his or her absence, their designee and shall not be granted if it creates an overtime situation, economic hardship to the municipality or affects the overall efficient operations of the department.

(1969 Code § 3-4.3; Ord. No. 82-2 § 11; Ord. No. 87-11 § 2; Ord. No. 99-6 § III; Ord. No. 99-17 § 2; Ord. No. 2006-04 § II)

3-5.4 Sick Leave.

- a. As used in this subsection, *sick leave* shall mean paid leave that may be granted to an employee who, through sickness or injury, becomes incapacitated to a degree that makes it impossible for him to perform the duties of his position, or who is quarantined by a physician because he has been exposed to a contagious disease. Part time and full time temporary employees are not eligible for sick leave.
- b. At any time after an employee has been absent from work for a period longer than three (3) consecutive days, the supervisor or Chief of Police as the case may be, may request that before returning to work the employee secure a doctor's certificate indicating that the employee is capable of returning to work and also stating the nature of the illness or injury which caused the absence from work.
- c. The Borough shall pay up to eight thousand (\$8,000.00) dollars for unused sick days at the time of retirement as long as the individual leaves the employ of the Borough in good standing.

- d. The Borough Council, after due deliberation, has put into effect an Employees' Income Protection Insurance Program for sickness and accidents. The Program is in the form of a policy issued by the insurance company. The following shall be the conditions of operation of the Program.
 - 1. All participating employees shall be entitled to a maximum of twelve (12) days of sick leave per annum, noncumulative, in addition to benefits of the program.
 - 2. All full time salaried employees hired after December 13, 1968 shall participate in the Program.
 - 3. The cost of the Program shall be borne by the Borough.
 - 4. Additional sick leave shall be paid after one (1) full calendar year of employment. The employee may be paid the difference between the insurance company payment made to the employee and his normal weekly Borough pay, less all required deductions on his pay. This payment may be made for a period based on the rate of one (1) week additional sick pay for each year of employment with the Borough. Only those employees covered by the insurance company may be entitled to this additional sick leave. Application of this section shall be subject to approval.
- e. Sick days used by employees and Police Officers, in connection with family illness, to care for a member of his/her family residing in the same household shall be required to execute a certification as to the necessity for the time used which certificate must also contain the approval of the department supervisor.
- f. Employees and Police Officers must use their recognized sick time as full or half days only. No time shall be used

as less than a half a day.

(1969 Code § 3-4.4; Ord. No. 75-4 § 1; Ord. No. 78-4 § 1; Ord. No. 87-11 § 3; Ord. No. 99-6 § III; Ord. No. 2006-04 § IV)

3-5.5 Leave of Absence as a Result of Injury in Line of Duty.

- a. When a Borough employee is injured in the line of duty, the Council, pursuant to N.J.S.A. 40:11-8, may pass a resolution giving the employee up to one (1) year's leave of absence with pay. When such action is taken, the employee shall not be charged any sick leave time for time lost due to such injury.
- b. Prior to the passage of the resolution referred to in paragraph a, a contract shall be executed between the employee and the Borough setting forth that the employee shall reimburse the Borough for monies he may receive as worker's compensation, temporary benefits from legal settlement or judgment against the person or persons responsible for the injury.
(1969 Code § 3-4.5)

3-5.6 Leave Because of Death in Immediate Family.

- a. Leave with pay not exceeding eight (8) consecutive days, including the date of death, or the date of the funeral, or some day in between, shall be granted to an employee in the event of death in his immediate family. For the purposes of this paragraph, "immediate family" is defined as parent, spouse or child.
- b. Leave with pay not exceeding four (4) consecutive days, including the day of death, or the date of the funeral, or some day in between, shall be granted to an employee in the event of death in his family. For the purposes of this paragraph, "family" shall be defined as grandparents,

brother or sister, or a relative living under the same roof, or the parent or grandparent of the employee's spouse.

- c. In addition to the above, a temporary leave of absence may be authorized by the Chief of Police or the supervisor, as the case may be with the approval of the Borough Council.
- d. Two (2) additional days of bereavement and leave shall be allowed if the funeral takes place out of the State of New Jersey.
(Ord. No. 82-2; Ord. No. 83-6; Ord. No. 87-11 § 4; Ord. No. 2006-04 § V)

3-5.7 Outside Employment. Employees shall not accept outside employment or engage in outside business activities without the prior approval of their department head or the Borough Council. No application for permission to accept outside employment shall be granted unless there is reasonable probability that such outside employment will not interfere with the employee's performance or compromise his position with the Borough through a conflict of interest, or if, in the case of a full time employee of the Borough, such outside employment shall exceed twenty (20) hours per week. (1969 Code § 3-4.7)

3-5.8 Longevity Pay.

Any full time Borough employee who qualified for longevity pay in accordance with the provisions of subsection 3-5.8 prior to its repeal by Ordinance 2010-7, shall be paid eighty (80%) percent of the amount of the benefit as determined by the provisions of subsection 3-5.8 of the Borough Code prior to its repeal. The amount of the benefit shall be added to the gross base pay of the employee when computing the annual base salary of the employee beginning January 1, 2011. Thereafter, there shall be no longevity payment made to any employee

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covered by the previous provisions of this section.

(Ord. No. 82-2 § 4; Ord. No. 87-11 § 5; New; Ord. No. 2006-04 § VI; Ord. No. 2010-07)

3-5.9 Personal Leave Days. All full time salaried employees shall be entitled to five (5) personal leave days per annum, noncumulative effective as of January 1, 2004. Unused personal days, up to a maximum of five (5) per year, shall be paid to the employee on or before the last payroll of the year for each year.

All employees who intend to utilize a personal leave day shall notify, in writing, their department supervisor or in his or her absence, their designee, not later than five (5) calendar days in advance. Department supervisors may make exceptions in the case of an unforeseen circumstance. Use of personal time must be approved by the department supervisors or in his or her absence, their designee and shall not be granted if it creates an overtime situation, economic hardship to the Municipality or affects the overall efficient operations of the department.

Employees and Police Officers must use their recognized personal leave days as full days only. No time shall be used as partial or fractional days, insofar as possible. (Ord. No. 82-2 § 5; Ord. No. 87-11 § 6; Ord. No. 93-8 § 2; Ord. No. 2000-9 § I; Ord. No. 04-02 § I)

3-5.10 Privately Owned Vehicles.

- a. When, by necessity, the employer requires an employee to use the employee's privately owned vehicle for a municipal function, the Borough shall reimburse the employee on the basis of the rate established by the Internal Revenue Service per mile traveled for the municipal function. The money shall be reimbursed to the employee upon the submission of a proper voucher in accordance with the department rules and regulations and shall be paid to the employee in the normal course of the business by the Borough. The employee shall be responsible for retaining all necessary insurance for the employee's automobile and shall make no claim against the employer for any damages arising out of the employee's use of the employee's automobile.

(Ord. No. 87-11 § 7)

3-5.11 Overtime Payment.

- a. Overtime compensation is earned at the rate of one and one-half (1 1/2) times the employees normal earnings for all hours actually worked in excess of forty (40) actual work hours in a given work week.
- b. Actual work hours does not include periods of absence, including but not limited to, in whole or in part, time off for sick days, personal days, vacation days, holidays and bereavement days and approved leaves of absence.
- c. Under special circumstances and notwithstanding paragraphs a. and b. above, the governing body may by resolution allow for the payment of overtime at the rate of one and one-half (1 1/2) times the normal earnings or provide compensatory time off at the same rate or a combination thereof. Any action taken by the governing body pursuant to this section shall not establish a custom or past practice of the Borough.

- d. Under extraordinary circumstances, the Chairperson of the Committee which the employee(s) is under, may authorize payment as set forth in paragraph c. above.
- e. All employees and Police Officers who are entitled to and have earned compensatory time, in accordance with this section, are required to use said time within a year from the time it is earned. Compensatory time shall not be accrued.
- f. Use of compensatory time must be approved by the department supervisor or in his or her absence, their designee and shall not be granted if it creates an overtime situation, economic hardship to the municipality or affects the overall efficient operations of the department.

(Ord. No. 98-17 § I; Ord. No. 99-6 § I)

3-5.12 Maintenance and Use of Public Property. It shall be the responsibility of all employees and members of the Police Department to ensure that all public property, including but not limited to documents, uniforms, shoes, clothing items and accessories, back braces, weapons, electronics, vehicles, machinery, tools, books, identification, badges, etc. entrusted into his or her possession, control, guard, administering, etc., is kept in a safe and secure manner. Each employee and member of the Police Department shall be responsible for those items and shall be held personally accountable for same.

Any mail received by the municipality addressed to a specific Police Officer shall be logged and placed in the locking mail receptacle for said officer, located in the police department.

No officer, official, employee or member of the Police Department shall utilize any public property for personal use, personal gain, or use in any outside employment or activity.
(Ord. No. 99-6 § II; Ord. No. 99-17 § III)

3-5.13 Access to Public Property. No employee shall be permitted to access or gain access to any office or building of which they are not a designated staff member without the express authority by such department head. Staff designation shall be by resolution of the governing body as amended from time to time.

Exceptions shall be the governing body members and the Borough Administrator. (Ord. No. 99-6 § II)

3-5.14 Health Benefits. Full time, permanent employees may be entitled to health insurance coverage at the discretion of the Governing Body. The Borough shall bear the entire cost and continue to provide health coverage to the dependents of employees, who pass away while continuing to serve in office, provided those employees and/or dependents were qualified to receive said coverage in accordance with Section 3-10 of this chapter. (Ord. No. 2015-02)

3-6 DISCIPLINARY ACTION.

3-6.1 Disciplinary Actions Enumerated. An employee who has acquired permanent status may be disciplined by any of the following actions, listed in order of severity, for the causes stated in this section:

- a. Informal, verbal reproof.
- b. Written reproof.
- c. Suspension from duty.
- d. Dismissal.

Disciplinary action may be administered by a department head or the Borough Council. No person shall be suspended or dismissed without the consent of the Mayor and Council Chair of the department in which said employee is employed. Such suspension or dismissal may be confirmed by the Borough Council at the next available regular meeting. The

municipality reserves the right to suspend without pay pending the final outcome of the matter.
(1969 Code § 3-8.1; Ord. No. 99-17 § IV)

3-6.2 Causes of Disciplinary Action. The causes for which disciplinary action may be invoked include the following:

- a. Neglect of duty.
- b. Absence from duty without leave or failure to report after authorized leave has expired, or after such leave has been disapproved or revoked, provided, however, that any regular member or officer of the Police Department who shall be absent from duty without just cause for a period of five (5) days continuously and without approved leave of absence shall, at the expiration of such five (5) days, cease to be a member of the Police Department, as provided by N.J.S.A. 40A:47-3, as amended.
- c. Incompetency, inefficiency or incapacity due to mental or physical disability.
- d. Insubordination or serious breach of discipline.
- e. Intoxication while on duty.
- f. Commission of a criminal act.
- g. Disobedience of a rule or regulation ordinance, resolution, directive or operating procedure of the Borough.
- h. Conduct unbecoming a Borough employee.
- i. Chronic or excessive absenteeism.
- j. Disorderly or immoral conduct.
- k. Negligence, carelessness or willful damage to public property or waste of public supplies.

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1. Use or attempt to use one's authority or position to influence the actions or activities of another or to gain a personal discount or benefit from another.

Removals may be made for sufficient causes other than those listed above. In addition to actions occurring on the job, employees may be subject to forfeiture of office for actions which occur outside of employment.

A record of disciplinary action taken against an employee shall be recorded in the personnel file of said employee by the Municipal Clerk.

Any employee suspended without pay shall not be entitled to accumulate any personal, vacation, sick, compensatory or holidays for the period in which the suspension occurs and shall be prorated where applicable.

Any employee suspended without pay shall not be entitled to medical benefits or pension contributions normally borne by the employer, said benefits must be paid by the employee in order to remain in full force and effect.

(1969 Code § 3-5.2; Ord. No. 99-17 § IV)

3-6.3 Hearing. Any employee disciplined under the provisions of this section shall, upon request, be granted a hearing. A reasonable opportunity for such hearing shall be granted before the imposition of disciplinary action, except that an employee may be summarily suspended if it is deemed that the circumstances so warrant. In such case, if, after hearing, it appears that the suspension was not appropriate, the Council may order reinstatement with pay. (1969 Code § 3-5.3; Ord. No. 99-17 § IV)

3-6.4 Hearing Officer.

- a. Hearing held under this chapter may be conducted by a licensed attorney of the State of New Jersey. Such hearing officer shall be appointed by the Mayor upon the advise and consent of the governing body which appointment shall be made by resolution.

- b. At the hearing, the hearing officer shall give full hearing opportunity to both the complainant and to any evidence in contradiction or mitigation that the employee, if present or represented and offering such evidence, may present. At the conclusion of the hearing, the hearing officer shall make a recommendation to the governing body that shall include:
 - 1. A finding as to whether or not the charges against the employee were substantiated
 - 2. A recommendation as to the disciplinary action to be taken.
- c. Pursuant to subsection 3-5.1 of this chapter. Any recommendation including either suspension or dismissal shall be subject to the approval of the Mayor and Council.
(Ord. No. 98-1 § I)

3-7 MERITORIOUS ACTIONS.

It is hereby declared to be the policy of the Borough to recognize and encourage meritorious actions on the part of its officers and employees. To this end letters of commendation concerning Borough employees from their superiors and from members of the public with whom they deal shall be directed to the attention of the Mayor and Council and then recorded in the employee's personnel file. In addition, the Mayor and Council may, of its own motion, commend the work of particular officers and employees and cause such commendation to be inserted in their personnel files. (1969 Code § 3-6)

3-8 BONDING OF OFFICERS AND EMPLOYEES.

- a. Every officer or employee of the Borough who, by virtue of his office or position, is entrusted with the receipt, custody or expenditure of public monies or funds and

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any other officer or employee who may be required to do so by the Mayor and Council shall, before entering upon the duties of his office or position, execute and deliver a surety bond in such amount as may be fixed by the Mayor and Council, binding him to the Borough

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in its corporate name and conditioned upon the true and faithful performance of his duty. Each officer or employee required by law to give bond shall execute such bond with sufficient surety and deliver the same to the Municipal Clerk.

- b. If any officer or employee shall neglect to execute and deliver his bond, as herein required, within thirty (30) days after due notification of his election or appointment his office or position may be declared vacant.
- c. In every case in which any person is required by the laws of the State or by any ordinance of the Borough to give a bond for the faithful performance of his duties, such bond shall be secured by a corporate surety authorized to do business in this State and the premium therefor shall be paid by the Borough. Each such bond shall be approved by the Borough Attorney as to the form and sufficiency, and nothing in this section shall be construed to prevent the use of one (1) or more blanket bonds when so approved.
(1969 Code § 3-7)

3-9 CODE OF ETHICS.

3-9.1 Conflicts of Interest. No elected or appointed official, officer or employee of the Borough shall engage in any business transaction or professional activity or have a financial or other private interest, either direct or indirect, which is in substantial conflict with the proper discharge of his official duties unless full disclosure is made as to such interest, in writing, to the Mayor and Council. (1969 Code § 3-8.1)

3-9.2 Employment or Investments Affecting Duties. No elected or appointed official, officer or employee of the Borough shall accept employment, engage in any business

transaction or make any investment which will be detrimental to the Borough in the exercise of his official duties or which will interfere in any manner whatsoever with the discharge of his official duties. (1969 Code § 3-8.2)

3-9.3 Representation of Private Interests Before Borough Agencies, Departments or Municipal Court. No elected or appointed official, officer or employee of the Borough shall represent any private interests, to the detriment of the Borough or for the purpose of unwarranted personal gain, before any Borough agency or department of the Municipal Court or in any litigation to which the Borough is a party. (1969 Code § 3-8.3)

3-9.4 Disclosure of Interest in Legislation. In the event that any elected or appointed official or the Borough Clerk, Borough Treasurer, Borough Attorney, Borough Engineer, Mayor or Council member has a direct or indirect financial interest in any proposed legislation he shall publicly disclose on the official records of the Borough the nature and extent of such interest. (1969 Code § 3-8.4)

3-9.5 Improper Use of Official Position. No elected or appointed official, officer or employee of the Borough shall improperly use his official position in order to obtain a personal discount or other benefit from any person or persons whatsoever. (1969 Code § 3-8.5)

3-10 PAYMENT OF INSURANCE PREMIUMS AFTER RETIREMENT.

The Borough shall bear the entire cost of the coverage provided for in N.J.S.A. 40A:10-23 in accordance with its insurance plan, including all premiums, for all employees (a) who have retired on a disability pension, or (b) who have retired after twenty-five (25) years or more of service credit in a State or locally administered retirement system and a period

of service of twenty-five (25) years or more with the Borough at the time of retirement, or (c) who have retired and reached the age of sixty-two (62) years or older with at least fifteen (15) years of service with the Borough, including the premiums on their dependents, if any.

These benefits shall be paid for those retirees who have served the Borough for the full twenty-five (25) years or in the case of retirement at age sixty-two (62) or older, the full fifteen (15) years. The benefits provided for in this section shall continue to be paid to the surviving dependents of the retiree, if any.

(Ord. No. 85-11; Ord. No. 2014-01)

3-11 PAYMENT FOR VACATION TIME NOT USED BY EMPLOYEE.

At the sole discretion of the Borough, the Borough may buy back up to a maximum of five (5) vacation days a year. Thus, if the Borough deems it necessary to ensure proper staffing levels, the Borough can unilaterally purchase five (5) vacation days from the employee's yearly allotment on the express condition that the Borough pay said employee for the applicable number of vacation days.

(Ord. No. 96-6; Ord. No. 2006-04 § VII)

3-12 WAIVER OF HEALTH BENEFITS COVERAGE.

3-12.1 Coverage. As they become eligible, new employees will be advised by the Borough Clerk that they are permitted to enroll in the current health benefit plan. It is the employee's option to accept or waive coverage beginning with the first day of the month in permanent employee status. Any change in the employee's dependent status must be reported immediately to the Borough Clerk or designated responsible employee. (Ord. No. 01-16 § 1)

3-12.2 Waiver of Coverage. Any employee eligible for the Borough's health benefits plan who is also eligible for coverage as a dependent of the employee's spouse under another plan offered by the spouse's employer may waive coverage under the Borough's plan. The waiver shall be made on a form provided by and filed with the Borough Clerk. (Ord. No. 01-16 § 1)

3-12.3 Payment for Waiver of Coverage. Any employee waiving health benefits pursuant to subsection 3-12.2 above will annually be paid by the Borough a sum equal to twenty-five (25%) percent or five thousand (\$5,000.00) dollars, whichever is less, of the amount saved by the Borough because of the employee's waiver of coverage. (Ord. No. 01-16 § 1; Ord. No. 2010-09)

3-12.4 Discontinuation of Waiver of Coverage. Any employee who waives health benefits pursuant to subsection 3-12.2 above shall be permitted to resume coverage under the same terms and conditions as applied to initial coverage if the employee ceases to be covered under his or her spouse's health benefit plan. Any employee who resumes coverage shall repay to the Borough, on a pro rata basis, any amount received which represents an advance payment for a period of time during which coverage is resumed. (Ord. No. 01-16 § 1)

3-12.5 Form to Resume Coverage. Any employee who wishes to resume coverage shall file with the Borough Clerk a declaration on a form provided by the Borough Clerk. (Ord. No. 01-16 § 1)

3-12.6 Proration of Time. Any employee who is on leave of absence, or otherwise out of duty for one hundred eighty (180) days or more within any one (1) year period (365 days), may have prorated any and all sick days, vacation days, and personal days, and any payments for same, which said employee would be entitled.

PERSONNEL POLICIES

3-12

Any employee who is absent from the job, on leave of absence, or otherwise unable to report to and perform his job duties for a period of three (3) months or more, for any reason, may be required, at the Borough's expense, to undergo a medical examination to determine the probability that such employee will be able to return to work, and the projected time for said employee's return. If in the doctor's opinion the employee has a fifty (50%) percent or greater chance of not being medically able to return to work within the next twelve (12) months, such employee's name will be submitted to the applicable State Pension Division for a disability pension, and the employee shall fully and expeditiously cooperate with any and all requirements and requests made by the Pension Division, including the submission of any and all requested medical documents and/or authorization releases. (Ord. No. 2006-04 § VIII)