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## **GENERAL PERSONNEL POLICY:**

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

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

**The Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The governing body has appointed the Borough Administrator to assist the Governing Body in the implementation of personnel practices. The Mayor and Borough Administrator shall also have access to the Labor Attorney appointed by the governing body for guidance in personnel matters.**

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

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

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

## **I. GENERAL EMPLOYMENT PRACTICES**

The following general employment practices shall be followed in the Borough of Surf City. However, the members of the Police Department may be covered by the terms and conditions as set forth under the collective bargaining unit agreement as well as the rules and regulations of the Surf City Police Department, as amended from time to time.

- A. The Mayor, upon the advice and consent of the Borough Council shall formally effect the creation of any new position and authorize the filling of it, prior to the employment or engagement of any employee, except that this provision shall not prevent the temporary hiring of any employee between Council meetings by the Committee Chairperson and Mayor, provided that such temporary hiring shall be approved at a subsequent meeting. In addition, there shall have been provided, in the current budget or otherwise, specific and adequate funds to compensate any such appointee.**
- B. Application forms for employment shall be available at the office of the Borough Clerk and shall be completed by all persons applying for employment with the Borough of Surf City. All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The Municipal Clerk shall be charged with the duty of processing all applications for employment. 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.**
- C. As soon as practicable after the final date specified for filing, all applications received shall be considered by the appropriate department head, the Councilperson in charge and the Borough Administrator. Consideration for any and all appointments is subject to the terms and a condition of the Revised General Ordinances of the Borough of Surf City as same pertains to Chapter 3, Section 3 "Appointments".**
- D. The Mayor and Borough Council, upon receipt of a recommendation from the Councilman in charge, may interview personally the applicants who appear to be best qualified and most desirable for the position, and may tentatively select the one to be appointed, subject to a satisfactory medical examination and any further investigation of references reasonably deemed necessary or desirable by the Borough Council. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants. The Borough of Surf City 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 and also provided that accommodation does not impose an unreasonable hardship on the Borough of Surf City.**

- E. The medical examination shall be arranged by the Municipal Clerk and performed by a physician designated by the Borough at the expense of the Borough .prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough of Surf City 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. The same post-offer physical examination must be performed on all applicants for a particular position. The Borough of Surf City may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough of Surf City at the expense of the Borough of Surf City. All medical records of employees and prospective employees are confidential and are to be maintained by the Municipal Clerk separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- F. The final decision will be made by the governing body, after all references and other information has been verified. Every effort shall be made to offer 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 and also provided that the accommodation does not impose an unreasonable hardship on the Borough of Surf City, pursuant the Americans with Disabilities Act. 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.
- G. Before any medical examination, the selected applicant shall receive a copy of the Personnel Policies and Practices of the Borough of Surf City. If, after a careful study of the policies, practices and rules set forth therein, the applicant shall agree to conform to them, the applicant shall sign a form of statement provided for that purpose and shall proceed with the medical examination. Any applicant who fails to so agree to conform to the said personnel policies, practices and rules of the Borough of Surf City shall be automatically determined to be ineligible for employment, and shall be so notified by the Municipal Clerk.
- H. All tentatively selected applicants shall be advised by the Municipal Clerk that their appointment is being considered on the basis of information contained in the application for employment and given in personal interviews. Any misstatements of pertinent information withheld therein or there from shall be sufficient cause to disqualify an applicant. In the case of an applicant who is already employed by the borough any

misstatements or withholding of information may be cause for separation from the service of the Borough.

- I. Examination of applicant by the Borough Physician at the expense of the Borough.
- J. Upon completion of the medical examination, the Department Head and the Councilperson in charge shall review the entire file and shall, if they shall find it satisfactory, refer the same to the Governing Body for final action.
- K. Except when statutory requirements direct otherwise, all new employees shall serve a period of probation of one (1) year, except where superseded by a recognized collective bargaining agreement.
- L. The Municipal Clerk shall examine all papers and records for completeness and shall establish a personal history file for each employee and a separate medical history file for each employee. Said file shall be available for inspection by the employee on a reasonable basis.
- M. The foregoing requirements and practices are intended to cover permanent full-time and part-time or on-call employees. Such requirements and practices shall not interfere with or replace more stringent employment requirements hereinafter established or as may be provided by ordinance. Temporary, seasonal and elected employees may not be subject to the requirements of this policy.
- N. The Governing Body has established grounds for rejection of an applicant in the Revised General Ordinances of the Borough Chapter 3, section 2.6 et.seq. And reserves the right to give preference to fill vacancies and new positions first to employees of the Borough and secondly to persons who are residents of the Borough.

**O. Processing and Orientation of New Employees Procedure.** All new regular full-time and regular part-time employees will be scheduled to meet with the Department Head on their first day for a general orientation. Copies of all forms and acknowledgments must be returned to the Finance Office 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, if applicable;
- A review of the Employee Handbook and acknowledgment of receipt;
- A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgment of receipt;
- The Employee Complaint Policy letter and acknowledgment;
- A safety orientation and acknowledgment; and
- Arrangements for the new employee to complete required PEOSHA safety training, if applicable.

**P. Background Checks and Procedures for Candidates, Employees and Volunteers:**

**Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors, Fire and EMS personnel, police officers and police department personnel. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years.

**Background check procedure:** The Borough Administrator will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Borough Administrator will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. 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.).

The Borough Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee

suspensions may be with or without pay at the discretion of the Borough Administrator, Department Supervisor or Governing Body.

**Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- 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)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

**Appeal Process:** The Appeals Committee will be comprised of the Police Chief or other designated superior officer, Borough Administrator and any other person so designated by the Governing Body.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Borough Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension, pending the outcome of the Notice of Appeal.

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

The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.

- The nature and seriousness of the crime or offense.



- The circumstances under which the crime or offense occurred.
- The date of the crime or offense.
- The age of the individual when the crime or offense was committed.
- Whether the crime or offense was an isolated or a repeated incident.
- Any social conditions which may have contributed to the commission of the crime or offense.
  - Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
  - 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.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

**Q. 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 Municipal Clerk. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year or in accordance with the statutes pertaining to records retention. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

## **II. WORKING TIME AND ATTENDANCE ON JOB**

The following regulations are hereby established as to working time and attendance on the job by municipal employees.

- A.** 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, which shall then be filed with the Municipal Clerk for insertion into the individuals personnel file.

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.

The pay period for all employees shall be weekly, except in the case of paid Boards and Commissions which shall be quarterly and/or yearly and seasonal beach personnel which may be bi-weekly, unless otherwise specifically provided by resolution or ordinance of the Borough Council.

B. The regularly scheduled work week for full-time Borough employees shall be as follows:

- Administrative and clerical 9:00 A.M. to 4:30 P.M. Monday through Friday including a one hour lunch period, constituting a 32.5 hour work week. Except for the period of June 1st through Labor Day when the Municipal Offices shall be open on Saturday from 10:00 A.M. to 1:00 P.M.
- Police Department: Shifts to be established by the ranking officer in charge of the Department or their designee in accordance with the current collective bargaining agreement,
- Public Works: Eight and one-half (8 ½) hours daily, including a one-half hour Lunch period, Monday thru Friday, constituting a forty hour work week. Hours subject to change during the summer months.
- All municipal employees shall be paid one and one-half (1 ½) times their regular hourly wage for each hour actually worked in excess of forty (40) actual work hours in any given work week. Administrative and clerical personnel shall not be entitled to overtime.

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer, and/or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending on their job duties.

- C. Administrative personnel, including but not limited to, the Borough Administrator, Director of Police, Borough Superintendent, Tax Collector, Chief Financial Officer and Municipal Clerk may not be required to adhere to a fixed work schedule but shall be accountable to the Mayor and Council for hours worked, however, they may be required to be in attendance no less than the hours fixed for said department or for the municipality to be open to the public.
- D. The hours that the office of the Borough shall be open to the public shall be fixed by resolution of the Governing Body.
- E. Any compensatory time earned must be utilized within one year from the time it is earned. No more than two (2) weeks of compensatory time may be carried at any given time.

### III. GRIEVANCE PROCEDURES

It is the policy of the Borough of Surf City that every employee shall always be treated fairly, courteously and with respect. Each employee shall be required always to accord the same treatment to his fellow municipal employees, associates, department heads and to the general public. The following grievance procedures shall apply to employees of the Borough of Surf City.

- A. If an employee shall have a job-related grievance, such employee shall present the same, in writing, to his immediate supervisor or department head, who shall resolve the same.
- B. If the said supervisor or department head shall fail to resolve the grievance, the supervisor or department head shall endorse thereon the fact that said grievance has not been resolved. The said writing, so endorsed, shall be presented to the Business Administrator, who shall attempt to resolve the grievance.

#### **IV. ABSENCE FROM DUTY**

The following regulations pertaining to absence from duty shall apply to all employees of the Borough of Surf City except in the case where a collective bargaining agreement or rules and regulations may apply.

- A. Recording absences. Absences from duty are hereby classified as "illness", "vacation", "personal", "bereavement" and "other" and shall be so noted on the daily times reports. The reason for each absence listed on the time report as "other" shall be noted thereon, with a statement as to whether or not it is approved by the department head and whether or not the employee is entitled to pay for such absence.
- B. Notification of absence. Each employee shall notify the department head of any absence from duty. If it shall not be possible to do so in advance of the working day, the employee shall report by telephone otherwise, as early as possible on the date the employee is absent. If the employee shall be unable to contact the department head, the employee shall so notify the police department. Upon notification, the Department Supervisor shall transmit the appropriate absentee slip to the Payroll Clerk for recording by the Finance Officer and Municipal Clerk's Office in accordance with Borough Ordinance.
- C. Leave of absence. Leave of absence, without pay, may be requested by any employee, who shall submit in writing all facts bearing on the request, to the department head, which shall endorse his recommendation thereon and forward the same to the Councilperson in charge for consideration by the Borough Council. Each such request shall be considered on its individual merits and without establishing a precedent. Employees granted leave time shall not be permitted to accumulate vacation, sick or personal time and may be required to individually pay all health insurance coverage during such leave time.

**D. ANNUAL VACATIONS:**

Annual vacation to full time employees, with pay is hereby authorized on the following basis, except where superseded by a recognized collective bargaining agreement:

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 non-cumulative. Vacations shall be scheduled between September 10<sup>th</sup> 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.

For the vacation time earned in each year, a maximum of 5 vacation days may be utilized on an individual basis. The remaining vacation days must be used consecutively in a minimum of one 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.

| <b>Completed Year of Service</b>             | <b>Amount of Vacation Time</b> |
|--|--------------------------------|
| One Year                                     | 8 working days                 |
| Two Years and up to and including Five Years | 13 working days                |
| Six Years                                    | 14 working days                |
| Seven Years                                  | 15 working days                |
| Eight Years                                  | 16 working days                |
| Nine Years                                   | 17 working days                |
| Ten Years                                    | 18 working days                |
| Eleven Years                                 | 19 working days                |
| Twelve Years                                 | 20 working days                |
| Thirteen Years                               | 21 working days                |
| Fourteen Years                               | 22 working days                |
| Fifteen Years or more                        | 23 working days                |

Department Supervisors shall be responsible for approving vacation time for their respective department so as to carry on borough business with minimum delay or inconvenience. The Borough

**Administrator shall oversee the allocating of all vacation time shall be kept apprised of the intended use of vacation time by Department Supervisors.**

**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.**

## **E. HOLIDAYS**

Due to the emergency nature of the work of the police department, the provisions of this section shall not be applicable to members of the police department.

The following official holidays shall be observed by the Borough.

**New Year's Day**  
**Martin Luther King's Birthday**  
**The third Monday in February, known as Washington's Birthday**  
**Good Friday**  
**The last Monday in May, known as Memorial Day**  
**Independence Day**  
**Labor Day**  
**The second Monday in October, known as Columbus Day**  
**Veteran's Day**  
**General Election Day**  
**Thanksgiving Day**  
**Friday after Thanksgiving Day**  
**Christmas Day**

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.

In the event that an official holiday is observed during an employee's vacation, they shall be entitled to an additional vacation day, and should an official holiday occur while an employee is on sick leave, they shall not have that holiday charged against their sick leave.

This section shall not be applicable to members of the Police Department.

## **F. SICK LEAVE**

As used in this section, 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 or her 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.

- a. 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.
- b. The Borough shall pay up to \$8,000.00 for unused sick days at time of Retirement as long as the individual leaves the employ of the Borough in good standing.
  - c. 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. Each permanent full-time employee shall be entitled to twelve (12) days sick leave per annum, 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 may 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 or her normal weekly Borough pay, less all required deductions on his or her 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.
  - d. 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.
  - e. 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.
  - f. Employees may accumulate unused sick days, without limit, for use in the event of illness or disability.
  - g. In all cases of reported illness or disability, the Borough reserves the right to have a physician, designated by the borough, examine and report on the condition of the patient-employee to the Administrator and Borough Council.

- h. during protracted periods of illness or disability, the Borough may require interim reports on the condition of the employee at weekly or biweekly periods, from the attending physician and/or physician designated by the Borough.**
- i. When under medical care, an employee shall conform to the instructions of the attending physician. Failure to do so may, in the discretion of the Borough, result in the disqualification of the employee for sick leave benefits during such period of illness or disability.**
- j. an employee, having exhausted all sick leave, shall not receive any further sick leave benefits or compensation in lieu thereof until further sick leave time shall have been accumulated and earned.**
- k. When an employee shall have left the borough's employ and subsequently shall be re-employed, the date of re-employment shall be used as the service date for purposes of crediting sick leave.**
- l. Sick leave may be allowed for medical, dental and eye care services when such professional services are not readily available outside of work hours.**
- m. 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.**
- n. Prior to the passage of the resolution referred to in paragraph M, a contract shall be executed between the employee and the Borough setting forth that the employee shall reimburse the Borough for monies he or she may receive as worker's compensation, temporary benefits from legal settlement or judgment against the person or persons responsible for the injury.**
- o. Employees injured while in the employ of the Borough shall make a report of such injury to the department head as soon as possible after the occurrence. The department head shall forthwith advise the Municipal Clerk's Office of such injury. The employee will be required to report to the Municipal Clerk's office to complete the necessary reports and have further medical treatment scheduled, if necessary. The department head shall complete and submit to the Municipal Clerk's office their own report of the incident no later than the end of the day following the incident. The Municipal Clerk's office shall immediately report such injury to the Borough's insurance carrier.**



## **G. JURY DUTY**

It is the public policy of this Borough to encourage borough employees to perform all of their duties and responsibilities of citizenship. Accordingly, if any municipal employee shall be legally selected for jury duty, they shall be compensated at their regular salary, and shall deliver to the Borough Chief Financial Officer for deposit in the general treasury, any payment or compensation received by them for such jury duty, it being the intent of the Borough that such employee shall receive their normal compensation and no more.

## **H. BEREAVEMENT**

1. 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 or her immediate family. For the purposes of this paragraph, "immediate family" is defined as parent, spouse, or child.

2. 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 or her family. For the purposes of this paragraph, "family" shall be defined as the employee's grandparents, brother or sister, or a relative living under the same roof, or the parent or grandparent of the employee's spouse.

3. 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.

4. Two (2) additional days of Bereavement Leave shall be allowed if the funeral takes place out of the state of New Jersey.

## **I. 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 employees performance or compromise his or her 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. **LONGEVITY- This section was repealed by Ordinance 2010-7**

## **J. PERSONAL LEAVE**

All full time salaried employees shall be entitled to five (5) personal leave days per annum, non-cumulative effective as of July 1, 1999. 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 Supervisors or in his or her absence, their designee, not later than five 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.

## **L. HEALTH CARE INSURANCE**

1. Permanent full time employees shall be covered by the present health insurance plan and shall derive any and all benefits offered by said plan. The Borough of Surf City reserves the right to change provider networks, claims agents, and insurance mechanisms. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Public Health Services Act provision for a period of up to eighteen months to thirty six months. All newly hired employees and their spouses shall receive a notice of Cobra rights upon being hired.

2. Permanent full time employees shall also be covered by a full-family dental plan, co-pay, \$25.00 per person per year, nondeductible on preventive 100%; class 2 services provided for 80%; class 3 services provided for 50%; maximum of \$1,000.00 per person per year. The plan to be determined by the Borough.

3. Permanent full time employees shall also be covered by a prescription plan to be obtained by the Borough which shall be a \$3.00 co-op plan. This means that the employee shall pay only \$3.00 towards any prescription obtained by him or his family under this plan; nothing in said plan shall require the employee or his family to obtain generic prescriptions.

4. Permanent full time employees shall be entitled to an optical plan through which the Borough will reimburse an officer or employee up to \$100.00 in any one calendar year period toward the cost of eye glasses or contact lenses or examination. The reimbursement may be utilized for costs incurred for the officer, employee or a member of

his family, but the total reimbursement shall not be more than \$100.00 in the said one calendar year period

5. A Flexible Spending Account has been put in place through Colonial Life which is available, on a voluntary basis, to the Borough Employees. Information is available through the Borough Finance Office

#### **K. PRIVATELY OWNED VEHICLES**

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

#### **L. SEPARATION**

The following regulations shall apply to the separation of employee-employer relations between employees of the Borough of Surf City and the borough as employer:

##### **1. Retirement Plan**

- a. Full-time employees who earn \$7,500.00 per annum from the Borough shall be eligible for membership in the State Employees Retirement System of New Jersey and shall accordingly be subject to the requirements and provisions of the said system.
- b. Contributions, as prescribed by law for the said system, shall be deducted from the salary of each full time employee and the borough's contribution for each such employee shall be remitted to the State according to state procedure.
- c. Borough employees having completed the required number of years of service, and having attained the specified age, may apply for retirement as provided by the system.
- d. All information regarding the said system may be obtained from the Payroll Clerk.

##### **2. Separation other than retirement**

- a. Separation from the service of the borough may result from voluntary resignation of the employee, or by the termination of his service by the Borough Council.
- b. The written resignation of an employee shall be delivered to the department head, who shall forward it to the Borough Clerk for placement in the employee's personal history file. The department head shall interview the employee before the effective

date of the employee's separation and submit a summary of such interview to the Borough Clerk so that it may be placed in the employee's personal history file.

- c. Employees who resign shall tender resignations in writing, at least two (2) weeks before the requested effective date of the resignation, in order to provide sufficient time for appointing and training a successor.
- d. Employees who resign shall sign for their final separation check and obtain a clearance from the head of their department that all equipment and uniforms belonging to the borough have been returned in proper condition.

#### **M. DISCIPLINARY ACTIONS**

The following regulations shall apply to disciplinary actions against employees of the Borough of Surf City:

1. When a department head believes that an employee is not conforming to the letter or spirit of the borough policies and rules, ordinances, or to specific instructions given him, or that an employee is in violation of any of the applicable rules or regulations, the department head shall first privately discuss the matter with the employee concerned, in order to obtain the employee's view of the matter. The department head shall then, if possible, obtain assurance that there will not be a repetition of the incident, if such incident shall not be sufficient to warrant the employee's dismissal from borough employment. The department head shall prepare a note or memorandum of the incident including its disposition, and forward it to the Administrator for placement in the employee's personal history file.
2. If, in the discretion of the department head the matter is not a serious one, and if the department head is satisfied that the matter has been resolved, no further action need be taken.
3. If the department head shall so determine, the matter may be referred to the Councilman Chairman and then to the Borough Council for review.
4. Disciplinary actions against employees shall be one (1) of the following forms for each offense:
  - a. Informal, private, verbal reprimand by the department head
  - b. Written memorandum of censure from his department head.
  - c. Suspension from duty without pay for a period not in excess of twenty (20) working days.
  - d. Separation of the employee from the service of the borough.
5. Subsection 4. (c) And (d) may be ordered only upon recommendation of the department head to the Mayor and Council Chairperson. Such suspension or dismissal may be confirmed by vote of the governing body at the next available meeting. The municipality reserves the right to suspend without pay pending the final outcome of the matter.

6. A fair and complete investigation of the case shall be made promptly by the Councilman in charge, including the accumulation of all facts and the interview of all interested persons. A written report of such investigation, the finding and recommendations, supported by all available data, shall be referred to the Borough Council

7. The Borough Council shall consider the facts and recommendations submitted and may make such further investigation as it shall deem desirable... At the earliest practicable date, the Borough Council shall make its decision to confirm the action, amend the action or rescind the action, and shall so inform the employee and the department. Head, in writing.

8. All papers in connection with a disciplinary action shall be placed in the employee's personal history file.

9. Any employee may appeal a disciplinary action by means of the procedure set forth for handling grievances.

10. Nothing herein shall in any way be deemed to limit the statutory rights of any employee who is a veteran, insofar as disciplinary proceedings are concerned.

11. 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.

12. 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.

13. 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.

#### **N. ADMINISTRATION PROCEDURES AND RECORDS.**

The following procedural and recording regulations are hereby adopted:

1. Each full-time employee shall receive a copy of the Personnel Policies and Practices of the Borough of Surf City as contained in the employment handbook and each such employee shall be requested to study and retain the same for future reference. After a careful study of the policies, practices and rules set forth therein, each employee shall sign a statement signifying receipt of a

copy of this and agreeing to conform to it. Each employee shall return the signed statement to his department head to be placed in his personal history file.

2. The Borough Council reserves the right to add, change, interpret or eliminate personnel policies, practices and rules, whenever it appears to be in the best interests of the borough to do so, but only in exceptional instances and not as a general practice.

3. All changes, additions or deletions shall be made by means of amendments by resolution, copies of which shall be issued to each employee to be kept with his copy of the Employment Handbook. Each employee shall sign a receipt of said changes, to be given the Borough Clerk for placement in the employee's personal history file.

#### **O. MISCELLANEOUS REGULATIONS: ADMINISTRATION**

1. No employee shall use or allow the use of any car, truck or equipment belonging to the Borough of Surf City as a passenger conveyance, other than on official business.

2. Personal history files shall be deemed to be confidential records and shall be maintained in the office of the Municipal Clerk. The employee may view his or her own personnel file in the presence of and during the regular office hours of the Municipal Clerk upon reasonable notice.

3. The Governing Body recognizes the fact that we live in an ever changing environment. To that end the Governing Body reserves the right to amend and modify these policies by resolution, should it be deemed in the best interest of the Borough to do so.

#### **R. 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. Th 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 employees 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.

## **S. CODE OF ETHICS**

**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 or her official duties unless full disclosure is made as to such interest, in writing, to the Mayor and Council.**

**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 or her official duties or which will interfere in any manner whatsoever with the discharge of his official duties.**

**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.**

**In the event that any elected or appointed official or the Municipal Clerk, Borough Treasurer/Chief Financial Officer, Borough Attorney, Borough Engineer, Mayor or Council Member has a direct or indirect financial interest in any proposed legislation, he or she shall publicly disclose on the official records of the Borough the nature and extent of such interest. No elected or appointed official, officer or employee of the Borough shall improperly use his or her official position in order to obtain a personal discount or other benefit from any person or persons whatsoever.**

## **T. 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 25 years or more service credit in a State or locally administered retirement system and a period of service of 25 years or more with the Borough at the time of retirement, or c. who have retired and reached the age of 62 years or older with at least 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 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.**

**U. PAYMENT FOR HOLIDAY TIME NOT USED BY EMPLOYEE PROHIBITED.**

No employee of the Borough shall be monetarily compensated for all or part of their holiday time.

**V. WAIVER OF HEALTH BENEFITS COVERAGE**

As they become eligible, new full time employees will be advised 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.

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.

Any employee waiving health benefits may annually be paid by the Borough a sum equal to fifty (50%) percent of the amount saved by the Borough because of the employee's waiver of coverage.

Any employee who waives health benefits 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 benefits plan. The employee shall forfeit the right to payment for waiving the insurance and 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 was resumed.

Any employee who wishes to resume coverage shall file with the Municipal Clerk a declaration on a form provided by the Municipal Clerk.

**W. Proration of Time**

Any employee who is on leave of absence, or otherwise out of duty for 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.

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 50% 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.

#### **X. USE OF APPENDIX**

The Borough of Surf City recognizes its obligation as an employer to meet the requirements of State and Federal Legislation and to ensure that the Personnel Policies of the Borough of Surf City are in compliance with same. To address this situation, the Governing Body believes that the utilization of an appendix system is both appropriate and the most logical and cost effective means of ensuring compliance in an area which is and may continue to be fluid.

#### **APPENDIX I - EQUAL EMPLOYMENT OPPORTUNITY**

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

#### **APPENDIX II - AMERICANS WITH DISABILITIES ACT/NEW JERSEY PREGNANT WORKER'S FAIRNESS ACT:**

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough of Surf City does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth.. The Borough of Surf City will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act. It is the policy of the Borough of

Surf City to comply with all relevant and applicable provisions of the Americans with Disabilities Act, ADA Amendments Act and the (LAD). We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, pregnancy related medical condition or childbirth. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough of Surf City.

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

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

#### **APPENDIX III- CONTAGIOUS OR LIFE THREATENING ILLNESSES POLICY:**

The Borough of Surf City encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Borough of Surf City shall make reasonable accommodations to known physical and mental limitations of all 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 Borough of Surf City.

The Borough of Surf City will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- A. Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- B. 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 of 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.

- C. 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.

#### **APPENDIX IV - JOB DESCRIPTIONS**

In 1969 the Governing Body of the Borough of Surf City adopted the Revised General Ordinances which included in its text job descriptions for most full time positions, exclusive of the Construction Code Department where licenses are required and on the job descriptions are already established by the B.O.C.A. Code.

The foregoing job descriptions are augmented by and subject to the language contained in the Borough Code and cited in the Collective Bargaining Units recognized by the Borough. These supplemental documents are on file in the office of the Municipal Clerk and are incorporated in the text of the Policies and Procedures Manual of the Borough of Surf City.

The Borough of Surf City recognizes the Policemen's Benevolent Association #175 as the bargaining unit for the establishment of salaries, wages, hours and other conditions of employment for the employees covered by this union.

This recognition shall not be interpreted as having the effect of or in any way voiding the rights of employees established under Chapter 303, P.L. 1968, NJSA 34:13A-1 et.seq. (Employer-Employee Relations Act).

#### **APPENDIX V - POLICY ON DRUGS AND ALCOHOL**

##### **General Rules and Regulations - Procedure**

##### **Drug and Alcohol Abuse (No employee assistance program)**

The Borough of Surf City recognizes that the use of unlawful drugs and the abuse of alcohol 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 may be immediately tested and is suspended and subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Borough Administrator.

**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 the employee is impaired due to current intoxication, drug or controlled substance use, or in cases where 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, possession, and use of alcohol or unlawful drugs on the Borough of Surf City 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.**

**Employees using prescription drugs that may affect job performance or safety must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Borough of Surf City personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.**

**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 Borough of Surf City property or while performing Borough of Surf City business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.**

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

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

**The supervisor will give the employee a chance to explain, selection a private location out of the hearing of other employees. The supervisor will confine questions and statements to specific**

performance and behavior, and not ask about drug or alcohol use. The supervisor may ask the employee if he/she is taking any medication which might affect behavior. If necessary, the supervisor should arrange for transportation home for the employee.

The supervisor should set an appropriate schedule and performance standards for improving the employee's behavior and inform the employee that he or she can be discharged if the performance does not improve. The supervisor should then make a record of the discussion.

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

#### **APPENDIX VI - PERFORMANCE EVALUATIONS**

The Borough of Surf City recognizes the importance of conducting periodic employee performance evaluations to measure the growth and development of all employees.

The evaluation procedure shall be used to identify employee strengths and weakness and will provide a data base to aid in the improvement or development of the employee.

Employees may be evaluated formally, in writing, at least once a year, as close to the anniversary date of their employment as practical. Periodic interim evaluations may be made at the discretion of management.

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement. 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 acknowledgment to the Administrator. After review by the Administrator, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

## **APPENDIX VII - WHISTLE BLOWER POLICY**

The Borough of Surf City recognizes its obligation under the New Jersey Conscientious Employee Protection Act (CEPA) and all employees have the right and are urged to immediately report any activity, policy or practice that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal.

This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgment that the employee received this letter shall be included in the employees official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Borough of Surf City shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

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

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

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

In accordance with the statute, the employee must bring the violation to the attention of the Borough of Surf City. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Form. Under the law, the employee must give the Borough of Surf City a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

## **APPENDIX VIII - ANNUAL UP-DATE**

The Borough Administrator shall be charged with the responsibility to ensure that the Employee Handbook and Personnel Policy/Manual is updated annually and kept current with all changes in Local, State and Federal Regulation.

## **APPENDIX IX - SAFETY POLICY:**

The Borough of Surf City will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough of Surf City is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment as required by applicable State and Federal Laws. 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 public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Borough of Surf City facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head...

The Borough of Surf City has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

## **APPENDIX X - WORKPLACE VIOLENCE POLICY:**

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

- Prohibited conduct includes but is not limited to:
- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough of Surf City property or while on Borough of Surf City business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

**Any potentially dangerous situations must be immediately reported. The Borough of Surf City will actively intervene in any potentially hostile or violent situation.**

#### **APPENDIX XI - GENERAL ANTI-HARASSMENT POLICY:**

**It is the Borough of Surf City's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States Armed Forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images and other similar verbal or physical conduct.**

**If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy.**

**Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.**

**Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough of Surf City generally. The Borough of Surf City cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of the appropriate officials to that steps may be taken to correct them.**

**Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.**

#### **APPENDIX XII - EMPLOYEE COMPLAINT POLICY:**

**Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing 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, the Borough Administrator or Municipal Attorney. Reporting of such incidents is encouraged either 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 incidences 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 harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, 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 the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment 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 or of the status of the investigation within a reasonable time from the date of the report of an incident.

#### **Employee Complaint Investigation Procedure:**

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- 1. Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- 2. Identification/Screening:** the supervisor, Department Head, Borough Administrator or Municipal Attorney must report all written or verbal complaints to the Mayor unless the complaint is against the Mayor. Upon receipt, the Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Administrator or investigator appointed by the Mayor will interview the employee. If the employee is reluctant to sign a written complaint, the Administrator or investigator will prepare written notes of the date, time

and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

3. **Investigation:** The Administrator will seek the advice of the Municipal Attorney when planning the investigation. The investigation should be conducted by the Administrator or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
4. **Response Plan – No Corrective Action Required:** The Administrator will discuss the conclusions with the Municipal Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough of Surf City is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
5. **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate with the advice of the Municipal Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

#### **APPENDIX XIII - NO SMOKING POLICY:**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Borough of Surf City has adopted a smoke-free policy for all buildings. Borough of Surf City facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough of Surf City buildings. Employees are permitted to smoke only outside Borough of Surf City buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside

vehicles owned by the Borough of Surf City and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

#### **APPENDIX XIV - COMMUNICATION MEDIA POLICY\*:**

The Borough of Surf City's Communication Media is the property of the Borough of Surf City and, as such, is to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voice mail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Borough of Surf City. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the municipality's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough of Surf City's local or wide-area networks."

The Borough of Surf City respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough. The Borough of Surf City reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voice mail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any of the Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or

expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, shall use a logon ID assigned to them. Certain data, or applications that process data, may require additional security measures. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which they have given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough's computing environment.

Employees may not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without permission. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Administrator may engage in social media activity during work time through the use of the Borough of Surf City's Communication Media as it directly relates to their work and is in compliance with this policy.

Employees must not reveal or publicize confidential information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough of Surf City employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of the computer, pictures of monitors and/or actual documents themselves without prior approval of the Borough of Surf City Administrator. In

addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communication may result in disciplinary action.

Because (authorized) postings placed on the Internet through use of the Borough's Communication Media will display the Borough's return address, any information posted on the Internet must reflect and adhere to all of the Borough standards and policies.

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Administrator) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public and other third-party rights. Any use of the Borough's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as a Borough of City employee. If employees choose to identify themselves as a Borough of City employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough of Surf City, as no such employee shall knowingly represent themselves as a spokesperson of the Borough of Surf City, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough of Surf City expresses views that are detrimental to the Borough of Surf City's mission or undermine the public trust or is insulting or offensive to the other

individuals or to the public in regard to religion, sex, race, or national origin. Borough of Surf City Employee's are encouraged to exercise extreme caution posting themselves in uniform or in situations where they can be identified as Township employees. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough of Surf City employees have the right to engage in or refrain from such activities.

#### **APPENDIX XV - FAMILY AND MEDICAL LEAVE ACT POLICY:**

Employees may be eligible for an unpaid family and medical leave under the Federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA") or Family Temporary Disability (FTD). In order to be eligible for such leave, employees must have: one (1) year of service with the Borough of Surf City; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits may be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick, longevity pay or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Borough of Surf City reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements is available from the Borough Administrator

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

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Borough with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the (local unit type) with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) work weeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran’s active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; *or*

**2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or***

**3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or***

**4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.**

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- If the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.



#### **APPENDIX XVI - MILITARY LEAVE POLICY:**

**Any full-time employee who is a member of the National Guard, Naval Militia, Air National Guard, or a reserve component of any United States armed force who is required to engage in field training will be granted an unpaid military leave of absence for the training period as authorized by law. The leave will not be counted against any available vacation.**

**When an employee, after one year's service with the Borough of Surf City is called to active duty or inducted into the United States military, the employee shall automatically be granted an indefinite leave of absence for the duration of military service. To be reinstated by the Borough of Surf City without loss of privileges or seniority, the employee must report for duty with the Borough of Surf City immediately following release from active duty under honorable circumstances.**

**During the period of active military duty, the employee may be paid the difference between military salary and the employee's regular salary for a period not to exceed one hundred and eighty days. Employees on active service will not receive paid health insurance coverage during this period. Employees may continue coverage for themselves or their dependents under the Borough of Surf City group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) may purchase service and salary credit in the system upon return to employment.**

**Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.**

#### **APPENDIX XVII - OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS:**

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

session, the governing body or other body of the Borough of Surf City may, at its sole discretion, invite the affected individual(s) to attend the applicable portion of the closed session.

#### **APPENDIX XVIII - 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 Borough Administrator. No employee may issue a reference letter without the permission of the Borough Administrator. Under no circumstances should any information be released over the phone.

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

#### **APPENDIX XIX - CONTINUING EDUCATION PROCEDURE:**

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

#### **APPENDIX XX - 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. Employees are prohibited from engaging in political activities while performing their public duties and from using Borough of Surf City time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head or Borough Administrator.

#### **APPENDIX XXI SEXUAL HARASSMENT POLICY**

It is the Borough of Surf City's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Borough of Surf City prohibits sexual harassment from occurring in the workplace or at any other location at which a Borough of Surf City sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

**Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitutes harassment when:**

- \* Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or**
- \* Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or**
- \* Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.**

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

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

**Sexual harassment may include unwanted sexual advances; 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, notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements) Caricatures or representations of persons using electronic or physically altered photos, drawings or images .**

**If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.**

**Harassment of Borough of Surf City employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.**

**Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough of Surf City generally. The Borough of Surf City cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all**

employees to bring those kinds of problems to the attention of management so that necessary steps may be taken to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

#### **APPENDIX XXIII POSTING OF EMPLOYEE NOTICES**

The Borough of Surf City shall provide and maintain, at a minimum, three (3) bulletin boards. The Boards shall be located in the Police Headquarters, the Department of Public Works-Water/Sewer Utility and in the lobby of the Municipal Building.

The Bulletin Boards shall be employed to post all notices relative to workplace conditions as required by state and federal law. Said notices shall include but not be limited to Title 34, Chapter 15 Article 5 Revised Statutes of New Jersey Right-To-Know, Unemployment & Disability Insurance, Insurance, New Jersey Child Abstract, PEOSHA Notification and any materials relevant to Employee's Rights and Workplace Safety.

#### **APPENDIX XXIV WORK FORCE REDUCTION POLICY/LAY-OFF POLICY**

Any reduction in the Borough's work force shall adhere to the parameters established by the collective bargaining agreements with P.B.A. Local 175, and provisions of State Statute, where applicable.

In all cases, lay-off and/or recalls, when necessary, shall be made based on seniority. The Municipal Clerk and the elected representatives of each union (a.k.a. shop steward) shall be charged with the duty of maintaining a seniority list for such purpose.

Non-union employees, and those employees whose title is not provided for by State Statute, shall serve at the discretion of the Mayor & Council and shall not be entitled to the protections afforded by union contract and/or state statute. However, the Borough recognizes the contribution made by these workers, both full and part-time and they will be afforded a reasonable accommodation during periods of work force reduction within the limits established by the Borough's budgetary limits at such times.

#### **APPENDIX XXV DISCLAIMER OF EMPLOYMENT CONTRACT**

The Borough of Surf City reserves the right to terminate an individual's employment in accordance with the guidelines established by his Employment Handbook and Personnel Policy Manual. No representative (s) of the Borough jointly or unilaterally, have the authority to make any verbal assurances, or to offer any employment contract, to any individual, which is inconsistent with the aforementioned Personnel Policy Manual which was adopted by the Mayor and Council of the Borough of Surf City by Resolution 96-167.

**Any future amendments or supplements to the Employment Handbook Policy Manual must be made by resolution and Such amendments or supplements shall be submitted to the Municipal Attorney for approval prior to its being considered for passage by the Governing Body of the Borough of Surf City.**

**Appendix XXVI - DRIVER'S LICENSE POLICY:**

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

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

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

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

**Any information obtained by the Borough of Surf City in accordance with this section shall be used by the Borough of Surf City 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.).**

## **Appendix XXVII - DOMESTIC VIOLENCE LEAVE:\***

The New Jersey Security and Financial Entitlement Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation; Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.
- To be eligible for the leave, an employee must meet the following criteria:
- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave can not be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, and proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Borough shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

## **PART V - GENERAL RULES AND REGULATIONS**

### **1. Appearance**

**Each employee is expected to dress appropriately for the job. Appropriate standards should be set by each Department Head considering such factors as:**

- **nature of work**
- **safety, including necessary precautions when working with or near machinery**
- **nature of employee contact with the public and the normal expectations of outside parties toward employees**
- **practices of others in similar positions**
- **consideration of the image the Borough of Surf City wishes to project**

**An employee is subject to disciplinary action if he/she fails to conform to established standards. If an employee wishes to appeal this action, he/she must conform to the existing standards until a decision is rendered.**

### **2. Bonding of Employees**

**All employees are covered by a blanket fidelity bond to insure proper accountability for all monies and property received by virtue of their position or employment.**

**A separate Bond is provided for the following employees based on individual duties and financial responsibilities.**

- **Chief Financial Officer/Treasurer**
- **Tax Collector**
- **Municipal Court Judge**
- **Court Administrator**
- **Court Personnel**

**The Original Bonds are kept in the office of the Municipal Clerk. The bonds must be renewed annually and are the responsibility of the Municipal Clerk's Officer.**

### **3. Changing Vital Information**

**Each employee is responsible for notifying the Department Head, the Treasurers Office and the Municipal Clerk's Officer of any changes in the following list of vital information:**

- **Name**
- **Address**
- **Telephone Number**
- **Dependent Children**
- **W-4 Deductions**
- **Changes in Health Care Program Status**

- Changes in Beneficiaries in Life Insurance or Pension Program
- Family/Marital Status

#### 4. Conduct of Employees

Employees are expected to conduct themselves in a manner which exhibits a respect for the rights and property of the Borough of Surf City, fellow employees and residents. While many of these behaviors are addressed under specific policies, the following list, while not all inclusive, further identifies examples of inappropriate behavior:

- Failure to maintain workplace and area cleanliness and orderliness
- Failure to treat all residents, visitors and fellow employees in a courteous manner
- Behavior or conduct which is offensive, undesirable or is subject to disciplinary action
- Possession of firearms or other weapons on Borough of Surf City property or while on official business.
- Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters
- Gambling on Borough of Surf City property
- Falsifying or altering Borough of Surf City records or reports, such as applications for employment, medical reports, production reports, time records, expense accounts, absentee reports or shipping and receiving records.
- Smoking where prohibited by Ordinance, Law or Borough of Surf City rules.
- Horseplay, pranks and practical jokes
- Unauthorized sleeping on the job
- Improper attire or inappropriate personal appearance
- Engaging in any form of sexual harassment or discrimination
- Violation of Borough of Surf City policies on solicitation or distribution
- Soliciting or accepting gratuities from residents

This in no way relieves employees from adhering to the Code of Ethics established by Ordinance of the Borough of Surf City.

#### 5. Confidentiality of Personnel Records

Individual personnel records, except: an individual's name, title, salary, compensation, dates of government service and reason for separation; information on specific educational or medical qualifications required for employment; and final order of the commissioner or board, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee or the governmental representatives in connection with their official duties (NJAC 4A:1-2.2(b)).



## **6. Credit Information**

References, salary and related information will be furnished to authorized persons or lending institutions upon written request to the Treasurer's office if authorized by the employee.

## **7. Attendance at Seminars/Training/Conferences**

Attendance at Seminars, training and conferences is an integral part of continuing education for Municipal employees, and participation therein is encouraged by the Borough of Surf City Governing Body. Such seminars, training and conferences should be of direct benefit to the Borough of Surf City and should improve job-related work or abilities.

## **8. Video Surveillance**

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

The Borough video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough'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 Borough'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 Borough.

The Borough may 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 Borough Officials are immediately informed of such breach.

## **APPENDIX XXVIII EMPLOYEE DATING POLICY**

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

To try to achieve a balance between employee rights and workplace needs, The Borough of Surf City has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to their immediate supervisor or human resources.

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

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

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations. Nothing in this policy alters an employee's at will status.

**Receipt for Employee Handbook**

**I acknowledge that I have received a copy of the Borough of Surf City’s Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head, Borough Administrator or the Personnel Official. I understand that the Borough of Surf City is an “at will” employer and consistent with applicable Federal and State law including applicable bargaining unit agreements, employment with the Borough of Surf City 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 Borough of Surf City 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 Handbook states the Borough of Surf City’s personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the Borough of Surf City for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.**

**Please sign and date this receipt and return it to the Borough of Surf City.**

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

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

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

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

**Receipt of Notices**

**I acknowledge that I have received a copy of the following listed notices:**

**Borough of Surf City's Gender Equity Notice**

**Borough of Surf City's Civil Rights Policy**

**Borough of Surf City's Conscientious Employee Protection Act Notice**

**I further acknowledge that I have read it thoroughly and if there is any provision in any of the attached notices that I do not understand, I will seek clarification from my supervisor, Department Head, Borough Administrator or the Personnel Official. I understand that nothing contained in the notice may be construed as creating a promise of future benefits or a binding contract with the Borough of Surf City for benefits or for any other purpose.**

**Please sign and date this receipt and return it to the Borough of Surf City.**

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

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

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

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

**Receipt of Notices**

**I acknowledge that I have received a copy of the following listed notices:**

**Borough of Surf City's New Jersey Pregnant Worker's Fairness Act Notice**

**Borough of Surf City's Communication Media Notice**

**Borough of Surf City's Dating Policy Notice**

**I further acknowledge that I have read it thoroughly and if there is any provision in any of the attached notices that I do not understand, I will seek clarification from my supervisor, Department Head, Borough Administrator or the Personnel Official. I understand that nothing contained in the notice may be construed as creating a promise of future benefits or a binding contract with the Borough of Surf City for benefits or for any other purpose.**

**Please sign and date this receipt and return it to the Borough of Surf City.**

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

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

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

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