



# **BOROUGH OF EMERSON**

## **PERSONNEL POLICIES & PROCEDURES MANUAL AND EMPLOYEE HANDBOOK**

**Adopted: December 19, 2023**  
**Adopted: October 25, 2021**

## DISCLAIMER

THE EMPLOYMENT RELATIONSHIP THAT EXISTS BETWEEN THE BOROUGH OF EMERSON (“BOROUGH”) AND ITS EMPLOYEES IS EMPLOYMENT -AT-WILL. THIS MEANS THAT EMPLOYMENT WITH THE BOROUGH MAY BE TERMINATED AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR THE BOROUGH, SUBJECT ONLY TO A COLLECTIVE NEGOTIATIONS AGREEMENT THEN IN EFFECT.

THIS EMPLOYEE HANDBOOK CONTAINS NO PROMISES OF ANY KIND. NEITHER THIS HANDBOOK NOR ANY GUIDELINES, POLICIES, OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE BOROUGH HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES OR PRACTICES, WORKING CONDITIONS OR WAGES/BENEFITS AT ANY TIME WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE’S AGREEMENT.

This Employee Handbook adopted by the Borough of Emerson is intended to provide guidelines for Borough of Emerson employees and is NOT a contract of employment. There is NO promise of any kind by the Borough of Emerson contained in this Handbook. The Borough of Emerson remains free to change any and all working conditions without consulting anyone, except as modified by applicable collective bargaining agreements. The Borough of Emerson retains the absolute power to remove any employee with or without cause.

**THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERSEDE ANY PRIOR MANUAL OR HANDBOOK.**

**NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY THE MAYOR OR BOROUGH ADMINISTRATOR. EMPLOYMENT WITH THE BOROUGH OF EMERSON IS AT-WILL. IT MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY EITHER THE EMPLOYEE OR THE BOROUGH OF EMERSON.**

**THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.**

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## INTRODUCTION

The Borough of Emerson plays an important part in the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Borough of Emerson employee, you have certain rights and obligations. Federal and State law as well as Borough of Emerson policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage “to the victors belong the spoils” in governmental hiring is now against the law and the old-fashioned locker room, garage or office “give and take” is no longer condoned. Behaviors that were tolerated ten or twenty years ago are no longer acceptable. The Borough of Emerson has a zero-tolerance policy for inappropriate and/or offensive behavior.

Employees have the right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Borough of Emerson has a “no tolerance” policy towards workplace wrongdoing.

This Employee Handbook adopted by the Mayor and Council discusses these issues and many other Borough of Emerson personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Borough of Emerson personnel policy, contact your Supervisor, or if you prefer, your Department Head or Borough Administrator<sup>1</sup>.

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<sup>1</sup> Borough ordinances corresponding to provisions of this Employee Handbook may reference “Business Administrator” and/or “Borough Administrator.”

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NEITHER THIS HANDBOOK, NOR ANY OTHER BOROUGH OF EMERSON DOCUMENT, CONFERS ANY CONTRACTUAL RIGHT, EITHER EXPRESS OR IMPLIED, TO REMAIN IN THE BOROUGH'S EMPLOY. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Emerson.

**All employees receiving this handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.**

\_\_\_\_\_  
Robert Hermansen, Borough Administrator

\_\_\_\_\_  
Date

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## GENERAL PERSONNEL POLICY

It is the policy of the Borough of Emerson 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 Emerson shall apply to all employees, including 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 State of New Jersey Attorney General's guidelines and Bergen County Prosecutor's Office Directives and Mandates with respect to Police Department personnel matters, 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 (hired) and promoted by the Mayor and Council. No person shall be employed or promoted unless there exists a position approved by the Mayor and Council as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for implementing all personnel policies and procedures. The Mayor and Council have appointed the Borough Administrator to implement personnel practices. The Borough Administrator shall also have access to the Labor Counsel and other appropriate attorneys, or officials appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Emerson has a "no tolerance" policy towards workplace wrongdoing. Borough of Emerson officials, employees and independent contractors are to report anything perceived to be improper. The Borough of Emerson 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 Employee Handbook adopted by the Mayor and Council is intended to provide guidelines covering public service by Borough of Emerson 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 Emerson 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 Emerson.

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To the maximum extent permitted by law, the employment practices of the Borough of Emerson shall operate under the legal doctrine known, as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Emerson shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough of Emerson shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

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## SECTION ONE

### Policies Relating to Employee Rights and Obligations

#### Equal Opportunity and Anti-Discrimination Policy

The Borough of Emerson 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 Emerson discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law, unless required by a bona fide occupational qualification.

This policy shall be applied to all phases of employment, including, but not limited to decisions regarding recruiting, and the hiring, promotion, demotion, transfer, or termination of employees. This policy shall also apply to job benefits, pay, and Borough-sponsored training, education, tuition assistance, and social and recreational activities. All employment decisions will be based solely on the qualifications and performance of the employee or prospective employee.

Any employee or applicant with a question or grievance should contact the Borough Administrator.

#### Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough of Emerson does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough of Emerson 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.

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It is the policy of the Borough of Emerson to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and (LAD). The Borough will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability, pregnancy, childbirth, breastfeeding or pregnancy related medical condition.

The Borough Administrator shall engage in an interactive dialogue with disabled employees and prospective disabled/pregnant employees to identify reasonable accommodations that do not create a hardship for the Borough. Accommodations shall not be unduly expensive, extensive or disruptive or fundamentally alter the nature of the operation or otherwise cause undue hardship.

The Act does not require the Borough to offer permanent “light duty”, relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position with the accommodation, (2) not create a direct threat to the health or safety of themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements.

All decisions with respect to accommodations shall be made by the Borough Administrator after consultation with the Department Head, with final approval of the governing body.

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

### **Contagious or Life-Threatening Illnesses Policy**

The Borough of Emerson encourages employees with contagious diseases, life-threatening illnesses, and those employees with cancer or heart disease, to continue their normal pursuits, including work, to the extent allowed by their condition and as provided by State and/or Federal Mandates, Guidelines, or Executive Orders. The Borough of Emerson 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 Emerson and/or violate State or Federal Mandates, Guidelines, or Executive Orders

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All medical information shall be treated confidentially, and the Borough will take steps to protect such information from inappropriate disclosure, including the following

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

Department Heads, Supervisors 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.

To the extent any such contagious illness or disease, including but not limited to COVID-19, is addressed by State and/or Federal agencies, the Borough will comply with all lawful mandates, instructions, directives and/or Executive Orders.

### **Safety Policy**

The Borough of Emerson will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough of Emerson 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. 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 Emerson facilities, equipment or motor vehicles must also be immediately reported to the Supervisor or Department Head.

The Borough of Emerson 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.

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Employees of the Borough are expected to conduct themselves in a safe manner, to use good judgment and common sense, and to observe applicable safety rules.

Attendance at JIF-mandated Safety Meetings by Department Heads or designee is required.

### **Transitional Duty Policy**

The Borough of Emerson will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will be dependent on a number of factors including, but not limited to, manpower. The duration of transitional duty will be made on a case-by-case basis, but in no event will exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or the Workers Compensation Physician, shall notify the Borough Administrator as soon as the temporarily disabled employee is able to return to work with restrictions, and such notification will include any physical or mental restrictions recommended by the treating physician. The Borough Administrator will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's assigned department. The Borough Administrator will decide if it is in the best interest of the Borough of Emerson to approve a transitional duty request and will notify the employee of the decision. The Borough of Emerson reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute abandonment of position and shall be grounds for immediate dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Borough Administrator who will render a written response within 48 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Borough Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Borough Administrator informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the

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Borough of Emerson reserves the right at its sole discretion to extend the transitional duty, place the employee back on Workers Compensation, or disability, or, take other applicable action as provided by statute or regulation. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy or other Federal or State law.

### **Drugs and Alcohol Policy**

The Borough of Emerson recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. This policy applies to full-time, part-time, temporary, and volunteer employees of the Borough. As a condition of employment, all employees and prospective employees, including, but not limited to, applicants for positions requiring a CDL and other safety sensitive positions, must abide by the terms of this policy. Drug and/or alcohol testing is also required under the following circumstances: Pre-Employment; Transfer of Employment; Post-Accident; Post Incident; Random; Return to Duty; Follow Up; and/or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment.

Any employee who is observed by a Supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs during working hours, or is under reasonable suspicion of same, shall be immediately tested. For purposes of this policy, "reasonable suspicion" is defined as the following:

A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech or an unsteady gait. It may also be based on a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents, and/or deviations from safe working practices.

The Supervisor or Department Head will immediately report any reasonable suspicions to the Borough Administrator. The decision to test an employee shall be made by the Borough Administrator after consultation with the Department Head and legal counsel. There is no option of sending the employee home as an alternative.

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## **Protocols for Testing**

The Borough's testing policy in effect at the time will apply.

### **Consent Form:**

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to the laboratory, and the Borough Administrator, and/or his/her designee. The Consent Form shall provide space for the employees and applicants to acknowledge that they have been notified of the Borough's drug and alcohol testing policy.

The Consent Form shall set forth the following information:

1. the procedure for confirming and verifying an initial positive test result;
2. the consequences of a verified positive test result; and
3. the consequences of refusing to undergo a drug and/or alcohol test.

The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

## **POLICY PROHIBITIONS**

Employees, applicants and Contractors for the Borough of Emerson are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Borough of Emerson premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
  - a. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
  - b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Borough of Emerson premises or property, including Borough of Emerson-owned or leased vehicles, or vehicles used for Borough of Emerson purposes.

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- c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
- d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Borough of Emerson will refer such matters to the appropriate police authority.
- e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify the Borough of Emerson in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the Borough of Emerson's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough of Emerson and other factors related to the impact of the employee's conviction on the Borough of Emerson.
- f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
- g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
- h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Borough of Emerson or its designee, is a violation of Borough of Emerson Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
- i. Failure to advise pre-duty the Borough of Emerson of the use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.

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j. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.

2. With respect to alcohol and cannabis, employees violate this Policy by engaging in the following conduct during work time or on Borough of Emerson premises or property:

a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol or cannabis on Borough of Emerson premises or property, including Borough of Emerson owned or leased vehicles, or vehicles used for Borough of Emerson purposes.

b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol or cannabis. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol or cannabis. As it relates to a positive drug test for cannabis, an employee violates this policy if there is both positive drug test and evidence-based documentation of physical signs or other evidence of impairment during the employee's work hours. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*

c. A conviction or plea of guilty relative to any criminal alcohol or cannabis offense occurring in the workplace. All employees must notify Borough of Emerson in writing of any criminal alcohol or cannabis conviction not later than five calendar days after such conviction. Alcohol or cannabis use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or Borough of Emerson equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the-job alcohol or cannabis offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough of Emerson and other factors related to the impact of the employee's conviction on the Borough of Emerson.

d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol or drug testing, medical or physical tests or examinations, when requested or conducted by Borough of Emerson or its designee, is a violation of Borough of Emerson Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

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f. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol or cannabis.

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**Prohibited conduct under this policy also includes, but is not limited to, the following:**

1. Refusing or failing a drug and/or alcohol test administered under this policy;
2. Use of alcohol prior to reporting to work or use of alcohol while on-call; and,
3. Use of alcohol or drugs following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed the drug and/or alcohol testing procedures.

A positive test result or any other violation of this policy shall subject the employee to discipline, up to and including termination. Refusal to submit to testing when ordered or requested will subject the employee to discipline, up to and including termination. An employee may also forfeit eligibility for Worker's Compensation benefits, *N.J.S.A. 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

As it relates to cannabis, an employee will be subject to adverse action if there is both a positive drug test, confirmed by a licensed laboratory, and a determination of reasonable suspicion based on documentation of physical signs or other evidence of impairment during the employee's work hours. When the New Jersey Cannabis Regulatory Commission issues standards for certification of a Workplace Impairment Recognition Expert ("WIRE"), an employee will be subject to adverse action if there is both a positive drug test and a physical evaluation by a WIRE.

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for cannabis, except for law enforcement officers assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for cannabis by the terms of a federal contract or federal grant.

Employees are also required to notify their Supervisor within five (5) days of an arrest and conviction for a drug or alcohol related violation, whether or not the violation occurred in the

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workplace. Failure to so inform the Borough will subject the employee to disciplinary action up to and including termination for the first offense. The Borough will comply with any notification procedures required under the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act which provides for random drug tests.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to perform his/her duties safely and efficiently. It is the employee's responsibility to inform the Borough Administrator of his/her use of such legally prescribed medication before the employee goes on duty or performs any work. The Borough Administrator 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 Emerson personnel who hold a Commercial Driver's License (CDL) are also subject to the provisions of state and federal Commercial Driver's Licenses Drug and Alcohol Testing Policies.

### **Compliance with Drugs and Alcohol Policy**

Compliance with the Borough Drugs and Alcohol Policy, and that of the Borough's testing facility, is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire, withdrawal of a conditional offer of employment, or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or a sample that is adulterated shall be grounds for refusal to hire or for termination.

### **Workplace Violence/Workplace Bullying Policy**

The Borough of Emerson will not tolerate workplace violence or workplace bullying in any form. 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 Emerson property, at Borough of Emerson events or under other circumstances that may negatively affect the Borough of Emerson's ability to conduct business.

The Borough is equally committed to maintaining a work environment free from intolerance, harassment, bullying, bigotry and the like, and to improve employee awareness for the need to be sensitive to how they interact with fellow employees, vendors, and members of the public to foster professionalism.

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It is also the policy of the Borough that workplace harassment/workplace bullying is unacceptable conduct that will not be tolerated or condoned when committed by officials or agents of the Borough in the workplace or in the course of work.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying 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 Emerson property or while on Borough of Emerson business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Threats made against Borough of Emerson employees by members of the public will be investigated and, if appropriate, prosecuted.

Any potentially dangerous situations must be immediately reported so that the appropriate action may be taken.

### **General Anti-Harassment Policy**

It is the Borough of Emerson'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.

Examples of harassment includes, but are not limited to, 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 written, printed or physical conduct.

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If an employee is witness to or believes to have experienced harassment, immediate notification to the supervisor or Borough Administrator should be made. See the **Employee Complaint Policy**.

Harassment of any employees by non-employees is also 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 Emerson generally. The Borough of Emerson 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 attention of the appropriate officials so that steps are taken to correct them.

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

### **Anti-Sexual Harassment Policy**

The Borough has committed to a workplace free from harassment that is based on race, creed, color, religion, sex, gender identity or expression, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), pregnancy, childbirth, breastfeeding, political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status or any other group status protected by law. Any such harassment is a violation of federal and State anti-discrimination laws and will not be tolerated by the Borough. This policy applies to all employees as well as to any individuals who may come in contact with employees. Reprisals against anyone who makes a complaint under this policy will not be tolerated and violators of the policy will be subject to discipline, up to and including termination, and may be subject to any other liability authorized under applicable law.

Additionally, it is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example,

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- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such 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 working environment.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

1. Generalized gender-based remarks and comments;
2. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
3. Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mails, text messages, invitations, gestures or inappropriate comments about a person's clothing;
4. Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
5. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
6. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

Any employee found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of employment. Referral to another appropriate authority for review for possible violation of federal and State statutes may also be appropriate.

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**Employee Responsibilities** – The Borough cannot address or correct harassing conduct that it is not aware of. Any employee who believes that he/she has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment, or otherwise has knowledge of others being subjected to such discrimination/harassment is expected to promptly report the incident(s) to a supervisor, Department Head, or directly to the Borough Administrator or to any other persons designated by the Borough to receive workplace discrimination complaints. Specifically, employees are encouraged to utilize the Borough’s **Employee Complaint Policy**.

All employees are expected to cooperate with investigations undertaken pursuant to this section. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

**Department Head/Supervisor Responsibilities** – Department Heads and Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Department Heads and Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the Borough Administrator, or any other individual designated by the Borough to receive complaints of workplace discrimination/harassment. A Department Head or Supervisor’s failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination of employment.

For purposes of this section, a “Supervisor” is defined broadly to include any manager and/or other individual who has authority to control the work environment of any other staff member.

**Investigation of Complaints** – Any complaint made under this section shall be investigated by the Borough via its Investigation Procedure Policy.

Additionally, all complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

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

### **“Whistle Blower” Policy**

Under the New Jersey Conscientious Employee Protection Act (“CEPA”), N.J.S.A. 34:19-1, employees have the right to complain about 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. CEPA also protects employees who provide information to a public body conducting an investigation into a violation of a law or rule, or if an employee refuses to participate in any activity that the employee believes is in violation of a law, is fraudulent or criminal, or is against public policy concerning public health, safety or welfare. 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 acknowledgement that the employee received, read, and understood this letter will be included in the employee’s 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. . All complaints will be taken seriously and promptly investigated.

Reprisals against anyone who makes a complaint under this policy will not be tolerated and violators of the policy will be subject to discipline, up to and including termination, and may be subject to any other liability authorized under applicable law.

The employee must bring the violation to the attention of the Borough Administrator. Employees are encouraged to utilize the Employee Complaint form for this purpose. **See Employee Complaint Policy.** Under the law, the employee must give the Borough of Emerson a reasonable opportunity to correct the activity, policy or practice.

### **Employee Complaint Policy**

Employees, officers, volunteers and other individuals performing work on behalf of the Borough, who observe actions they believe to constitute 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 or the Borough Administrator. Reporting such incidents is encouraged both when an employee feels that he or she is subject to such incidents or observes such incidents in reference to other employees.

Employees, officers, volunteers and other individuals performing work on behalf of the Borough should report incidents in writing using the **Employee Complaint form** but may make a verbal complaint at their discretion. If the employee, officer, volunteer or other

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individual performing work on behalf of the Borough 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, officer, volunteer or other individual performing work on behalf of the Borough 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 taken.. 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 at the conclusion of the investigation within a reasonable time from the date of the report an incident.

### **Grievance Policy**

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Emerson. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working dates after arising. Failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the Supervisor or Department Head who will discuss the matter with the Borough Administrator. The Supervisor or Department Head will communicate the decision to the employee within five (5) working days.

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- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five (5) days working days of the step one decision. After consulting other professionals including the Borough's Labor Counsel or Borough Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five (5) working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

### **Access to Personnel Files Policy**

The contents of individual employee personnel records are strictly confidential and will be disclosed by the Borough only when the information is requested as a matter of inquiry by a law enforcement agency, a representative of the Armed Forces, or as required by court order or any other law. Any medical documentation is confidential and shall be maintained in a separate file.

The official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained by the Borough Administrator in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Borough of Emerson premises in the presence of the Borough Administrator or designee. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

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

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

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough's compliance with applicable law;
- To the Borough's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough of Emerson are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To verify employment for a potential future employer

### **Conflict of Interest Policy**

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

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

Pursuant to the provisions of New Jersey's Local Government Ethics Law:

1. No employee or member of his or her immediate family will have an interest in a business organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.

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2. No employee should use or attempt to use his or her official position to secure unwarranted privileges or advantages for him or herself or others.
3. No employee should act in his or her official capacity in any matter wherein he or she, a member of his or her immediate family, or business organization in which he or she has an interest, has a direct or indirect personal or financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment.
4. No employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.
5. No employee, member of his or her immediate family, or business organization in which he or she has an interest, should solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan contribution, service, promise or other thing of value was given or offered for the purpose of influencing him or her directly or indirectly in the discharge of his or her official duties.
6. No employee will use, or allow to be used, his or her public employment, or any information, not generally available to members of the public, which he or she receives or acquires in the course of and by reason of his or her employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
7. No employee or business organization in which he or she has an interest will represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves. An employee or members of his or her immediate family may represent himself or herself in proceedings concerning the employee's own interests.

### **Political Activity Policy**

Pursuant to New Jersey law governing elections, no holder of a public office or position will demand payment or contribution from another holder of a public office or position for the campaign purpose of any candidate or for the use of any political party.

No employee will directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours. No employee whose principal employment is in connection with a program financed in whole or in

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part by Federal funds or loans, will engage in any of the following prohibited activities under the “Hatch Act”:

1. Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
2. Directly or indirectly coercing, attempting to coerce, commanding or advising an officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
3. Being a candidate for public office in a partisan election.

The Hatch Act, 5 U.S.C. 1501 et seq., is enforced by the Special Counsel of the United States Merit System Protection Board. Department Heads or supervisors can advise an employee if his/her position is federally-funded.

Nothing in this policy shall be construed as restricting employees from engaging in lawful, political activity while outside of working hours and outside of their official job duties.

Any violation of this policy must be reported to the Supervisor, Department Head or Borough Administrator.

### **Political Activity During Working Hours Prohibited**

No employee shall engage in any political activity during hours of employment. Political activity shall include but not be limited to actively advocating the election or appointment of any candidate, soliciting campaign funds on borough property, and using Borough property or equipment for any political candidate or cause. Campaigning in collective bargaining units is exempted.

### **Employee Performance Evaluation Policy**

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the **Employee Counseling form**. After completing the evaluation, the Supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) will 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.

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## Employee Discipline Policy

It is the responsibility of the immediate supervisor to enforce and maintain proper discipline. To ensure that employees are informed when infractions or shortcomings are noted, a progressive disciplinary procedure will ordinarily be utilized. In certain severe instances, however, it may be necessary to bypass one or more of the preliminary steps in order to impose suspension or dismissal of an employee.

**Grounds for Disciplinary Action** – Many types of conduct may be grounds for disciplinary action, up to and including termination. They include, but are not limited to, the following:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Borough of Emerson, fellow employees, volunteers or visitors.
- Continually failing to report to work on days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Borough of Emerson property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or heroin) on Borough of Emerson property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough of Emerson property and at any time during work hours.
- Insubordination.
- Incompetency, inefficiency, or failure to perform duties.
- Neglect of duty.
- Entering the building without permission during non-scheduled work hours.

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- Soliciting on Borough of Emerson premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough of Emerson or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Borough of Emerson premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on Borough of Emerson premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough of Emerson premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violating any Borough of Emerson rules or policies.

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- Conduct unbecoming a public employee.
- Violation of Borough of Emerson policies, procedures and regulations.
- Violation of Federal, State or Borough of Emerson laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand, Borough Administrator review, written reprimand, suspension, fines and, dismissal. At the discretion of the Borough of Emerson, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

NEITHER THIS HANDBOOK NOR ANY OTHER BOROUGH OF EMERSON GUIDELINE, POLICY OR PRACTICE CREATES AN EMPLOYMENT CONTRACT. EMPLOYMENT WITH THE BOROUGH OF EMERSON MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR REASON BY THE EMPLOYEE OR THE BOROUGH OF EMERSON.

### **Resignation Policy**

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. The Borough may waive this requirement and consent to a shorter notice. If an employee resigns without giving the required notice, he/she will be considered to have resigned not in good standing.

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After giving the requisite notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays unless given express approval from the Borough Administrator. The Department Head will prepare an **Employee Action form** showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

### **Work Force Reduction Policy**

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

### **Driver's License Policy**

A Vehicle Operator must hold a valid New Jersey driver's license.

All employees assigned, or to be assigned, work as a Vehicle Operator, will be required to submit to a review and evaluation of his or her motor vehicle records ("MVR") maintained by the New Jersey Motor Vehicle Commission as a condition of employment. For purposes of this section, "Employees" shall include those performing volunteer work for the Borough. A report indicating a suspended or revoked license status currently, or at any other time within the past seven (7) years, may be cause to deny or terminate employment.

Periodic checks of the status of the drivers' licenses of Vehicle Operators through visual and/or formal MVR reviews shall be made by Department Heads or Division Supervisors. Any Vehicle Operator who does not hold a valid New Jersey driver's license will not be allowed to operate a Borough of Emerson vehicle or to conduct the business of the Borough of Emerson entailing the operation of a personal vehicle until such time as a valid New Jersey driver's license is obtained, which shall be obtained within thirty (30) days of the date the Borough becomes aware of said deficiency, or such later date as may be approved by the Borough Administrator in writing.

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To facilitate the above initial and periodic checks of the status of drivers' licenses, Vehicle Operators shall provide to the Borough Administrator a completed and signed "Release and Consent Form [for] Motor Vehicle Records Check" and a copy of their current New Jersey driver's license at the time of application for the position and thereafter, promptly upon license renewal.

A Vehicle Operator must immediately notify the immediate supervisor of the occurrence of any of the following events, whether or not the event occurred in conjunction with the operation of the vehicle for personal use or to conduct the business of the Borough: 1) the Vehicle Operator's New Jersey driver's license is expired, suspended or revoked; 2) the Vehicle Operator is involved in an accident that is reportable to the local police department or other law enforcement agency pursuant to N.J.S.A. 39:4-130; and 3) a conviction for a violation of any provision of N.J.S.A. 39:4-48 to -72 (driving under the influence, etc.), N.J.S.A. 39:4-80 to -94.2 (moving violations, etc.), or N.J.S.A. 39:4-95 to -104 (speeding violations, etc.). A Vehicle Operator that fails to immediately report such an event, is subject to disciplinary action, including demotion or termination.

A Vehicle Operator (other than an elected official) who fails to comply with this Driver's License Policy will be subject to disciplinary action, including demotion or termination, and/or administrative leave without pay. Moreover, if a Vehicle Operator who is an elected official fails to comply with this Driver's License Policy, the governing body of the Borough and/or an insurance carrier of the Borough (including, but not limited to, the Joint Insurance Fund) in its discretion may refuse to provide the elected official a defense and indemnification, or reimbursement of defense costs, arising out of or incidental to a legal proceeding or other action instituted against the elected official in connection with the operation of a Borough of Emerson vehicle or the operation of a personal vehicle to conduct the business of the Borough of Emerson.

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

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## **SECTION TWO**

### **Workplace Policies**

#### **Job Description Policy**

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Borough Administrator. Once updated and approved, the Borough Administrator will make copies available upon request.

#### **Salary Determination and Position Descriptions**

All rates of pay shall be determined and set by action of the Governing Body in accordance with the provisions of all applicable federal and state statutes. The Library Board of Trustees shall determine rates of pay for library personnel.

The rate of pay established for each position may include a range of approved compensation and no person holding such a position shall be paid more than the maximum rate. An employee may be paid less than the minimum range if they are assigned to a position as part of cross training, transitional duty, temporary assignment based on the needs of the Borough to determine if they wish to permanently move to another position, funds are not available.

A position shall exist if it is established by the Governing Body or Library Board of Trustees and funded in the Borough's salary ordinance.

#### **Attendance Policy**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the Supervisor gives prior approval. All absences must be reported to the Supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 AM to 4:30 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

#### **Early Closing and Delayed Opening Policy**

In the event of unsafe conditions, the Borough Administrator may authorize Department Heads to

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close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Borough Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police or any personnel who may be required to assist in an emergency.

### **Lunch/Breaks**

Lunch, unless under other approved agreement, shall be taken by all non-contractual full-time employees for one (1) hour between 11:30 a.m. to 2:30 p.m., or as designated by the Department Head or the Borough Administrator. Failure to take lunch will not constitute compensatory time without prior written approval of the Borough Administrator. Taking compensatory time in lieu of, or during, a lunch break is prohibited without the prior written approval of the Borough Administrator. Approval will be decided on a case by case basis.

Part-time employees working more than four (4) hours per day are entitled to one daily fifteen (15) minute break.

### **Dress Code Policy**

The Borough strives to maintain a professional atmosphere that is conducive to our business environment, contributes to the morale of all employees, and projects an image of efficiency and professionalism to the public. Employees are relied on to exercise common sense and good judgment regarding their clothing and appearance in the workplace and to dress in a manner that is consistent with the goals of this policy. Generally, employees should maintain a clean and neat appearance in the workplace and dress according to the requirements of their positions, which may include health and/or safety requirements.

Any employee who is not dressed in proper professional attire consistent with this policy will be considered unsuitable to work and will be asked to go home and return to work appropriately dressed. In such a case, the employee will not be compensated for time spent away from work. Employees who disregard this policy and its standards will be subject to discipline.

Any questions about the requirements of this policy or what constitutes appropriate workplace attire should be directed to the employee's Supervisor or Department Head.

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## **Uniforms**

Employees in certain job classifications, that are required to wear uniforms are expected to report to work in their required uniforms that are clean and neat.

## **General Guidelines**

The Borough maintains a professional business casual environment, but some clothing and grooming guidelines should be observed. Below are general guidelines outlining examples of acceptable and unacceptable workplace attire. This list may differ for different departments so employees with questions about appropriate workplace attire should contact their Supervisor or Department Head.

Since it is impossible to list every type of clothing, this list is only intended as guidance and should not be considered a complete list.

- Appropriate clothing:
  - business suit;
  - sport jackets;
  - pants;
  - sweaters and blouses;
  - dresses and skirts; and
  - dress shoes.
- Clothing items that are not appropriate to our work environment include:
  - jeans;
  - shorts;
  - T-shirts;
  - track suits or sweat suits;
  - sweatshirts;
  - sleeveless tops;
  - midriff-baring tops;
  - baseball caps/hats/knit caps;

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- visible body or face piercings (other than ear piercings) and visible tattoos;

Clothing and accessories shall not contain any offensive, political, harassing, or discriminatory words, terms, logos, pictures, cartoons, slogans, or writing or images.

### **Request for Reasonable Accommodation**

Any employee that requires a reasonable accommodation for reasons based on religion, disability, or other grounds protected by federal, state, or local laws should contact their Supervisor or Department Head. Reasonable accommodation will be granted pursuant to law.

### **Administration of This Policy**

The Borough expressly reserves the right to change, modify, or delete the provisions of this Dress Code Policy.

The Borough Administrator is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about appropriate workplace attire that are not addressed in this policy, please contact the Borough Administrator.

### **Conduct Not Prohibited by This Policy**

This policy is not intended to restrict communications or actions protected or required by state or federal law.

## **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 Emerson has adopted a smoke-free policy for all buildings. Borough of Emerson facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough of Emerson buildings. Employees are permitted to smoke only outside Borough of Emerson buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough of Emerson 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.

## **Use of Borough Vehicles Policy**

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Unless an employee receives permission from the Borough Administrator, Borough of Emerson owned vehicles shall be used only on official business and all passengers must be on Borough of Emerson business.

Vehicles may be taken home only with the advance approval of the Borough Administrator except the Governing Body may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough of Emerson vehicle, it is to be used only by the employee, official, or volunteer, for official Borough of Emerson business; any other use is not permitted. At no time shall children be in the Borough of Emerson vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

Municipal vehicles are to be used for official business only. Use of municipal vehicles for personal business is prohibited. Only authorized municipal personnel or persons conducting business with the Borough may be transported in municipal vehicles.

Borough vehicles must always be operated in a safe and responsible manner and in compliance with all applicable motor vehicle and traffic laws. Operators of Borough vehicles are responsible for any driving infractions or fines that result from their operation of the Borough vehicle and must report those infractions or fines to the Borough Administrator. In the event of an accident, regardless of severity, the employee must file an accident report with the applicable municipality and report such accident to the Borough Administrator within twenty-four, (24), hours of the accident.

### **Use of Personal Vehicles**

Unless by separate agreement, employees shall be reimbursed for use of personal vehicles to travel to approved seminars and educational courses, and in the course of official municipal business outside the Borough at the current standard mileage rate set by the Internal Revenue Service. Employees who drive their own vehicle for Borough business must provide the Borough with a copy of their current Certificate of Insurance evidencing liability limits of [those required of the Borough](#). Drivers are required to notify their immediate supervisor in those cases where a license is expired, suspended, or revoked for any reason. Failure to report such an instance subjects the employee to disciplinary action, up to and including termination.

### **Telephone Usage Policy**

Borough of Emerson telephones are for official business and employees may make a personal call

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only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Emerson. Personal calls during work hours should be limited to emergencies or to check briefly on family matters. Personal calls must not interfere with the performance of the employee's job duties. The use of hand-held cell phones while driving Borough of Emerson vehicles or while driving on Borough of Emerson business is strictly prohibited.

### **Communication Media/Social Media Policy**

This policy states the guidelines for social media use by the Borough of Emerson and all of its representatives. In general, the use of social media sites by representatives of the Borough of Emerson is treated no differently than any of the Borough's other electronic communications. This policy is in concert with the Borough's existing policies and procedures with regard to record keeping, sustainability, supervision and content requirements for the use of other electronic communications such as e-mail and fax.

For purposes of this Communication Media/Social Media Policy, the following definitions apply:

"Representatives" includes all Borough employees, Governing Body members, Borough volunteers, and all members of organizations recognized by the Borough.

"Communication Media" includes all electronic media forms provided by the Borough of Emerson, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. This definition also includes any and all sites created, monitored, or references the Borough.

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

The Borough of Emerson's Communication Media are the property of the Borough of Emerson and, as such, are to be used for legitimate business purposes only. All data stored on and/or transmitted through Communication Media is the property of the Borough of Emerson and is not to be copied, transferred to personal electronic devices, or otherwise taken from the Borough unless authorized by the Borough Administrator.

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Employees are restricted from accessing or using the Borough of Emerson's Communication Media for personal purposes during company time on company equipment without prior authorization from the Borough Administrator to do so.

The Borough of Emerson respects the individual privacy of its employees. However, employee communications transmitted by the Borough of Emerson'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 of Emerson. The Borough of Emerson reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough of Emerson's Communication Media.** By using the Borough of Emerson's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough of Emerson personnel. The existence of passwords does not restrict or eliminate the Borough of Emerson's ability or right to access electronic communications. However, pursuant to the New Jersey law the Borough of Emerson cannot require the employee to provide the passwords to his/her personal account.

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

EMPLOYEES ARE HEREBY ADVISED THAT IF THEY CONDUCT WORK-RELATED BUSINESS ON THEIR CELL PHONES, OR OTHER PERSONAL COMMUNICATION MEDIA, SUCH WORK-RELATED CONDUCT AND COMMUNICATIONS ARE SUBJECT TO THE PROVISIONS OF THE OPEN PUBLIC RECORDS ACT.

Nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administrator, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on

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the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the Borough of Emerson's Communication Media for legitimate business purposes. Employees may not use Borough of Emerson's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough of Emerson 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. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Borough of Emerson's equipment or on the employee's own personal Communication Media.

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

Information security is necessary to protect the Borough of Emerson's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough of Emerson.

All employees may access only data for which the Borough of Emerson has given permission. All employees must take appropriate actions to ensure that Borough of Emerson 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. All Borough of Emerson data must be stored centrally as required by the Borough of Emerson. This provides greater security and ensures backup of all Borough of Emerson data is performed.

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 of Emerson's computing environment.

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EMPLOYEES MAY NOT INSTALL, MODIFY OR REMOVE ANY HARDWARE DEVICE, SOFTWARE APPLICATION, PROGRAM CODE, EITHER ACTIVE OR PASSIVE, OR A PORTION THEREOF, WITHOUT THE EXPRESS WRITTEN PERMISSION FROM THE BOROUGH OF EMERSON. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough of Emerson, or licensed to the Borough of Emerson. 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. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

Social media and its uses in government and daily life are expanding each year. 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 Borough of Emerson employees directly authorized by the Borough Administrator or other designee may engage in social media activity during work time through the use of the Borough of Emerson's Communication Media, as it directly relates to their work, and it is in compliance with this policy.

EMPLOYEES MUST NOT REVEAL OR PUBLICIZE CONFIDENTIAL BOROUGH OF EMERSON INFORMATION OR DOCUMENTATION. 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 Emerson employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves, without the prior approval of the Borough 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 of Emerson'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 Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough of Emerson.

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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 of Emerson’s Communication Media. If such situation occurs, employee agrees that any images belong to the Borough of Emerson and agree to release the image to the Borough of Emerson and ensure its permanent deletion from media device upon direction from the Borough of Emerson.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough of Emerson or on behalf of the Borough of Emerson, through the use of the Communication Media may be issued unless it has first been approved by the Borough of Emerson’s Administrator or his/her designee. Specifically, employees are forbidden from using the Borough of Emerson’s Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer’s official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer’s Communication Media or the employee’s own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

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

All users are personally accountable for messages that they originate or forward using the Borough of Emerson’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 Borough Administrator or their designee), is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Borough of Emerson and other third-party rights. Any use of the Borough of Emerson’s name, logos, service marks or trademarks outside the course of the employee’s employment, without the express consent

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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.

If employees choose to identify themselves as a Borough of Emerson 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 Emerson; as such no employee shall knowingly represent themselves as a spokesperson of the Borough of Emerson, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Borough of Emerson, expresses views that are detrimental to the Borough of Emerson’s mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough of Emerson employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough of Emerson’s employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough of Emerson are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough of Emerson, and that the employees are expressing their own personal views. For example: “**The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.**” The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough of Emerson or the Borough of Emerson’s business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough of Emerson’s Administrator or his/her designee.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Borough of Emerson employees have the right to engage in or refrain from such activities.

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## Use of Internet Policy

The Borough of Emerson provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing County and State resources.

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

Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees' official job duties.

Employees must comply with all policies adopted by the Borough of Emerson, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet. Employees who are using the Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;

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- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Borough's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above, **THE BOROUGH OF EMERSON RESERVES THE RIGHT TO MONITOR THE EMPLOYEE'S INTERNET USAGE.** In addition, the Borough of Emerson has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

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<b>Social Media Request Form</b>	<p>Submit the completed form to the Borough Administrator for review. The Borough Clerk will submit feasible requests to the Borough Council for approval.</p> <p style="text-align: right;">Contact for Questions: Borough Clerk: <a href="mailto:clerk@emersonnj.org">clerk@emersonnj.org</a></p>
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<p>Requesting Organization:</p> <p>Contact Name:</p> <p>Contact Title:</p>	<p>Date of Request:</p> <p>Contact Phone:</p> <p>Contact e-Mail:</p>
--	--

Select the type of Social Media account you are requesting:

Facebook       Flickr       Slideshare

Twitter       You Tube       Instagram

Other Social Media (specify)

---

Provide a description of the social media project, to include the target audience and anticipated content / areas of discussion.

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Discuss the ways in which the social media project promotes the Borough's mission, advances a Borough priority, and/or addresses a public need.

List the names and titles of employees / recognized volunteers who will have access to the social media account. Check whether each employee will post information.			
Name	Title	Yes	No

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		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>
		<input type="radio"/>	<input type="radio"/>

Identify the Person or Persons directly responsible for maintaining the social media site, for archiving all postings, and for maintenance of site security (passwords, etc.).

Discuss the risks of the social media project and the proposed strategies for mitigating the risks, to include a plan for content approval.

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Discuss the impact on the program or office if the social media project is denied.

**Communication Media/Social Media Policy Acknowledgement**

I have received, read and agree to abide by the Communication Media/Social Media Policy of the Borough of Emerson.

In addition, I agree that:

- No social media site will be established without the prior approval of the Borough Administrator. All sites will be monitored by the Borough Administrator or his designee.
- Social Media site owners will provide the Borough Administrator, or his designee access and current passwords used by site managers.
- Borough social media sites are not to be used for making official communications to the Borough, i.e. reporting crimes or dangerous conditions, giving legal notice, etc.
- Comments containing inappropriate content of any form are not permitted and will be removed by the Borough Administrator or his designee.
- Personal information about Borough representatives will not be shared.

Signature:

Print Name:

Title:

Date:

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### Social Media Request Approval Sheet

Project Approved	Yes <input type="radio"/> No <input type="radio"/>	Date:
Borough Administrator Signature		

Notes:

Council Approval	Yes <input type="radio"/> No <input type="radio"/>	Date:
Borough Clerk Signature		

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Notes:

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## **Video Surveillance Policy**

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

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough of Emerson 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 Administrator or their 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 of Emerson shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

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

## **Bulletin Board Policy**

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

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## Employee Dating Policy

The Borough of Emerson 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 Emerson 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, in writing to A) their immediate Supervisor or B) the Borough Administrator.

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

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

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

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## SECTION THREE

### Paid and Unpaid Time Off Policies

#### Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

#### Paid Holiday Policy

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Floating Holiday
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the following Monday.

#### Vacation Leave Policy

Vacation is an accrued benefit based on the following schedule unless otherwise approved by the Governing Body under separate agreement:

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Effective January 1, 2019, annual paid vacation leave for full-time employees shall be calculated and provided according to the following schedule, unless otherwise approved by the Governing Body under separate agreement:

After 1 year	10 days
After 2 years	12 days
After 5 years	15 days
After 10 years	18 days
After 15 years	20 days
After 18 years	23 days
After 20 years	25 days

Employees shall accrue vacation time on a 1/12 basis throughout the calendar year. However, employees shall have access to their full allotment of vacation time available for use as of January 1st of each year. Thus, should an employee cease employment with the Borough prior to the end of the calendar year, that employee shall be responsible to reimburse the Borough, pro-rata, for any vacation time used but not accrued due to the employee's cessation of employment. For example, an employee entitled to twenty (20) days annually who uses all twenty day and resigns from Borough employment as of June 30th would be obligated to reimburse the Borough for ten (10) days' worth of vacation pay.

During their first calendar year of employment, new employees shall receive one (1) vacation day for each full month of service completed with the Borough, up to a maximum of ten (10) vacation days. Upon January 1st of the next succeeding year, such employee shall be considered to be at the "after 1 year" level in the above chart.

Up to five (5) vacation days may be carried over to March 31 of the next calendar year only with the prior approval of the Borough Administrator. If additional carryover is required due to the needs of the Borough, the Borough Administrator must approve the request and write a memo or email memorializing the reasons for approving the additional time authorized to carry over vacation days.

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An employee may take vacation at any time during the calendar year, but not for more than two (2) consecutive weeks unless approved by the Council. No employee may be granted more than the number of vacation days due at the time vacation begins.

Part-Time Employees, defined as those salaried employees who work a part-time schedule, will receive vacation time in accordance with Borough policy, incorporated herein. Part-time employees may carry over five (5) days to March 31 of the next calendar year only with the approval of the Borough Administrator. If additional carryover is required due to the needs of the Borough, the Borough Administrator must approve the request and write a memo or email memorializing the reasons for approving the additional time authorized to carry over vacation days.

Employees who Resign or are Laid Off will be paid for those vacation days accrued but unused.

Terminated Employees: Employees terminated for cause will be entitled to any accumulated time earned in accordance with law.

#### Death of Employee

In cases of death of an employee, any monies due the estate by law will be paid.

### **Personal Leave Policy**

Non-contractual full-time employees are entitled to two (2) personal days per calendar year. These personal days shall accrue and be available for use by employees on January 1st of each year. Any unused personal days shall be forfeited at the end of each calendar year.

An employee must receive prior approval from the employee's Department Head to take a personal day. The Department Head will have total discretion in the approval of personal leave.

Part-time, temporary, and seasonal employees are not eligible for paid personal days.

### **Sick Leave Policy**

For non-contractual part- and full-time employees, the Borough's sick leave policy provides:

- a. For the first calendar year of continuous service through the end of the fifth year of continuous service: a maximum of seven (7) days of sick leave may be accrued per annum; a maximum of five (5) days of unused sick leave may be carried forward from

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one calendar year into the next and must be used during that second calendar year or shall be forfeited.

- b. From the beginning of the 6th year of continuous service through the end of the 19<sup>th</sup> year of continuous service: a maximum of ten (10) days of sick leave may be accrued per annum; any unused sick leave may be carried forward provided that the total of number of days of sick leave to be accrued in any calendar year plus the number of unused sick days carried forward from previous calendar years does not exceed thirty (30) days in any calendar year.
- c. From the beginning of the 20th year of continuous service; a maximum of fifteen (15) days of sick leave may be accrued per annum; any unused sick leave may be carried forward provided that the total of number of days of sick leave to be accrued in any calendar year plus the number of unused sick days carried forward from previous calendar years does not exceed ninety (90) days in any calendar year.

Pursuant to N.J.S.A. § 34:11D-3(a) of New Jersey's Earned Sick Leave Law, N.J.S.A. 34:11D-1, et. seq., an employee may use the earned sick leave accrued for any of the following purposes:

- (1) Time needed for diagnosis, care, or treatment of, or recovery from, the employee's own mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) To aid or care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) If an employee or a family member are a victim of domestic or sexual violence, and are obtaining services from a designated domestic violence agency or other victim services organization, medical attention, legal services, counseling, or are relocating due to the domestic or sexual violence;
- (4) Closure of an employee's workplace, or of the school or place of care of an employee's child, due to an epidemic or public health emergency, or because of the issuance by a public health authority of a determination that the presence of the employee or their family member in the community would jeopardize the health of others;
- (5) During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease

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and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others; or

(5) If an employee needs to attend a school-related conference, meeting, function or other event requested or required by an administrator, teacher, or other professional school staff member responsible for the education of the employee's child, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

At least seven (7) days' notice is required for any foreseeable use of sick leave. If the use of sick leave is unforeseeable, the employee shall provide notice as soon as practicable of their need to use same. Should an employee need to use three (3) or more consecutive days of sick leave, said employee must provide reasonable documentation that the leave is being taken for one of the purposes permitted above. Reasonable documentation shall be as defined in N.J.S.A. § 34:11D-3(b).

All employees are required, at their expense, to furnish medical evidence of illness from a licensed personal physician to the Borough if that employee has been absent for a period of three (3) or more consecutive days, or four days in a ten-day period, or for a pattern of sick time (i.e. around holidays/weekends) due to illness. The physician shall include the status of the employee's illness/injury and probable date of his/her return to work.

The notice and documentation required pursuant to this section shall be provided to the Borough Administrator or the employee's Department Head (or other individual designated by the Department Head).

Employees shall accrue sick leave on a 1/12 basis throughout the calendar year. However, employees shall have access to their full allotment of sick leave available for use as of January 1st of each year. Thus, should an employee cease employment with the Borough prior to the end of the calendar year, that employee shall be responsible to reimburse the Borough, pro-rata, for any sick leave used but not accrued due to the employee's cessation of employment. For example, an employee entitled to accrue ten (10) days of sick leave per annum who uses all 10 days and resigns from Borough employment as of June 30th would be obligated to reimburse the Borough for five (5) days of sick leave.

No employee shall receive credit or compensation of any kind for unused sick leave in the event of that employee's death, retirement, resignation, or termination of employment for any reason unless provided by law.

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**All employees hired prior to January 1, 2013**, shall maintain the sick time bank they already attained under previous sick leave provisions, and accumulate additional days moving forward based on the terms noted above or previous agreements.

It is the responsibility of employees to notify the Borough Administrator or their Department Head (or other individual designated by the Department Head) if they will be absent from or delayed in reaching their assigned post. This shall be done prior to the start of that workday.

Employees wishing to use sick leave for the purpose of diagnosis or treatment by a licensed physician shall request and obtain permission for such use not less than twenty-four (24) hours in advance.

All employees are required, at their expense, to furnish medical evidence of illness from a licensed personal physician to the Borough if that employee has been absent for a period of three (3) or more consecutive days, or four days in a ten-day period, or for a pattern of sick time (i.e. around holidays/weekends) due to illness. The physician shall include the status of the employee's illness/injury and probable date of his/her return to work.

The Borough may, at any time beyond the three (3) daytime period noted above require any employee to see a Borough-selected physician for the purpose of establishing the employee's degree of incapacity and ability to resume the duties of the position. Costs associated with this subsection shall be borne by the Borough.

An employee may be required, as a condition of return to employment, to submit medical evidence satisfactory to the Borough of ability to perform normally assigned duties.

All sick leave compensation will be withheld by the Borough in the event that the employee does not comply with any reasonable request for medical examination or submission of medical evidence as to the condition or the employee does not comply with reasonable directions for the improvement of that condition.

### **Bereavement Leave Policy**

Employees are entitled to three (3) consecutive calendar days leave of absence for each death of an employee's immediate relative. Bereavement Leave shall not extend beyond three (3) consecutive calendar days immediately following the death of a family member. "Immediate relative" includes spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparents, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle,

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aunt, or any person related by blood or marriage residing in an employee's household. Employees are paid for all working days during the Bereavement Leave.

Permanent Part-Time employees will be entitled to bereavement on a case by case basis as decided by the Borough Administrator.

In no event shall any part of bereavement leave occur more than fifteen (15) days from the date of death.

### **Jury Duty Policy**

A full-time employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary.

When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to his/her Department Head.

The Borough will continue to provide health insurance benefits for an eligible employee during jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during such leave.

Employees put on "stand by" are required to report for work.

### **Leave of Absence Policy**

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

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

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## Special Leaves

The Mayor and Council may, in unusual circumstances and where it is necessary solely for the benefit of the Borough, grant special leaves with or without pay, but only in those circumstances where there will be no detriment to the Borough. Such requests will be considered on a case-by-case basis.

### Family and Medical Leave Act Policy

The Borough shall provide family and medical leave in accordance with the federal Family and Medical Leave Act (“FMLA”) and the New Jersey Family Leave Act (“NJFLA”), and any changes to said laws shall supersede this policy section. The laws have similar and different provisions that may provide different rights and obligations for the employee and/or the Borough. The employee shall be afforded the most favorable rights if there is a conflict in the rights afforded to the employee under the laws. This policy section is not intended to be an exhaustive recitation of the provisions and regulations of the FMLA and NJFLA. For more information about the FMLA go to [www.dol.gov/whd](http://www.dol.gov/whd) and about the NJFLA go to [NJCivilRights.gov](http://NJCivilRights.gov).

**FMLA Leave** – The FMLA entitles eligible employees with up to twelve (12) weeks of unpaid, job-protected leave in a defined twelve (12) month period for the following reasons:

- a. the birth of a child and to care for the newborn child within one year of birth;
- b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. to care for the employee’s spouse, child, or parent who has a serious health condition;
- d. for a serious health condition that makes the employee unable to perform the essential functions of the employee’s job; or
- e. any qualifying exigency arising out of the fact that the employee’s spouse, child, or parent is a covered military member on covered active duty or has been notified of an impending call or order to covered active duty.

Pursuant to 29 CFR §825.201(b), eligible spouses both employed by the Borough are limited to a combined total of twelve (12) weeks of leave during the applicable twelve (12) month period if the leave is taken for the birth of a child, or to care for such child after birth; for placement of a child with the employee for adoption or foster care, or in order to care for the child after placement; or to care for the employee’s parent with a serious health condition.

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In addition, eligible employees who are the spouse, child, parent, or next of kin of a covered military member may take up to twenty-six (26) unpaid, job-protected weeks in a single twelve (12) month period to care for the military member with a serious injury or illness.

FMLA Eligibility – To be eligible for FMLA leave, an employee must have: (i) worked for the Borough for at least twelve (12) months; (ii) worked at least 1,250 hours in the twelve (12) months immediately preceding commencement of the leave; and (iii) be employed at a worksite where the employer has at least fifty (50) employees within seventy-five (75) miles. The twelve (12) months the staff member must have been employed need not be consecutive months pursuant to 29 CFR §825.110(b). The minimum 1,250 hours worked shall be determined according to the principles established under the Fair Labor Standards Act (“FLSA”) for determining compensable hours of work pursuant to 29 CFR §785. Within five (5) business days of the employee’s initial request for leave or of learning that an employee’s leave may be for an FMLA-qualifying reason, the Borough will determine the employee’s FMLA eligibility status and provide the employee notice of that determination in writing in the form of the Notice of Eligibility set forth in Section Six of this Handbook.

Certification Supporting Need for FMLA Leave – For FMLA leave requests for the serious health condition of the employee or the employee’s parent, spouse, or child, and for military family leave, the employee shall be required to provide the Borough with a certification completed by the employee and/or, as appropriate, a health care provider. The certification form corresponding to the applicable purpose for which the FMLA leave is being requested is provided in Section Six of this Handbook. The information contained in the completed certification shall guide the Borough in determining the appropriate designation of the employee’s leave of absence. The Borough reserves the right to seek additional documentation necessary to initiate/continue an employee’s FMLA leave, in accordance with applicable FMLA regulations.

Designation as FMLA Leave – Within five (5) business days (absent extenuating circumstances) of the Borough’s receipt of enough information to determine whether the requested leave is being taken for an FMLA-qualifying reason (e.g., after receipt of the required certification), the Borough will notify the employee in writing of its determination as to whether the leave requested will be designated as FMLA leave, and if so, how much leave will be designated as such, in the form of the Designation Notice set forth in Section Six of this Handbook.

FMLA Entitlement Period – The method to determine the twelve (12) month period in which the twelve (12) weeks of FMLA leave entitlement occurs will be a “rolling” twelve (12) month period measured backward from the date the employee uses any FMLA leave (each time the

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employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).

Utilization of Paid Leave. Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time. An employee will be required to use any available accumulated paid leave concurrently with the employee's FMLA leave. *OR* An employee may choose to use any available accumulated paid leave concurrently with the employee's FMLA leave.

Employment While on FMLA Leave – An employee is not prohibited from working at a second job while on FMLA leave so long as such employment is in compliance with the Borough's conflict of interest policy set forth in this Handbook.

Returning from FMLA Leave – Upon return from FMLA leave, an employee shall be entitled to the position the employee held when the FMLA leave commenced, or to an equivalent position of like seniority, status, employment benefits, pay, and other conditions of employment. If the Borough experiences a reduction in force or layoff and the employee would have been terminated or laid off had the employee not been on FMLA leave as a result of the reduction in force or pursuant to the good faith operation of a bona fide layoff and recall system, including a system under any collective bargaining agreement, the employee shall be entitled to reinstatement to the former or an equivalent position in accordance with applicable statutes, codes, and laws.

Other FMLA Protections – The Borough may not interfere with an employee's FMLA rights or retaliate against the employee for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

NJFLA Leave – The NJFLA entitles eligible employees with up to twelve (12) weeks of unpaid, job-protected leave in a defined twenty-four (24) month period for the following reasons:

- a. to care for or bond with a child, as long as the leave begins within 1 year of the child's birth or placement for adoption or foster care;
- b. to care for a family member of the employee, or someone who is the equivalent of family, with a serious health condition, or who has been

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isolated or quarantined because of suspected exposure to a communicable disease during a state of emergency; or

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

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

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

c.

NJFLA Eligibility – To be eligible for NJFLA leave, an employee must have: (i) worked for the Borough for at least twelve (12) months; and (ii) worked at least 1,000 hours in the twelve (12) months immediately preceding commencement of the leave.

The Borough shall grant NJFLA leave to more than one employee from the same family at the same time, provided such employees are otherwise eligible for the leave.

Certification Supporting Need for NJFLA Leave –The employee shall be required to provide the Borough with a certification completed by the employee and/or, as appropriate, a health care provider or third party. The certification form corresponding to the applicable purpose for which the NJFLA leave is being requested is provided in Section Six of this Handbook.<sup>1</sup> The

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information contained in the completed certification shall guide the Borough in determining the appropriate designation of the employee's leave of absence. The Borough reserves the right to seek additional documentation necessary to initiate/continue an employee's NJFLA leave, in accordance with applicable NJFLA regulations.

NJFLA Entitlement Period – The method to determine the twenty-four (24) month period in which the twelve (12) weeks of NJFLA leave entitlement occurs will be a “rolling” twenty-four (24) month period measured backward from the date an employee uses any NJFLA leave.

Employment While on NJFLA Leave – While on NJFLA leave, the employee is prohibited from engaging in full-time employment during the term of the leave, unless such employment commenced prior to the leave and is not otherwise prohibited by law. An employee on NJFLA leave may commence part-time employment that shall not exceed half the regularly scheduled hours worked for the Borough. The employee may continue part-time employment that commenced prior to the NJFLA leave, at the same number of hours that the employee was regularly scheduled at that part-time employment prior to such leave.

Other NJFLA Protections – The Borough may not retaliate against any employee for taking or attempting to take leave under the NJFLA or filing a complaint alleging a violation of the NJFLA.

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### **Applicable to FMLA and NJFLA**

Employee Notice Requirements - Employees must give 30-days' advance notice in writing of the need for FMLA and/or NJFLA leave when the need is foreseeable and such notice is practicable. If it is not possible to give 30-days' notice, the employee must provide written notice of the need for leave as soon as possible. The required written notice must be submitted to the Borough Administrator and state the amount of leave requested (including the start and end dates of the requested leave period) and the reason for the leave.

Intermittent and/or Reduced Schedule Leave – Requests for intermittent and/or reduced schedule leave under both the FMLA and the NJFLA shall be reviewed by the Borough on a case-by-case basis and in accordance with the federal and State laws and regulations promulgated thereto.

Relationship to Other Laws – If the employee is eligible for leave for reasons provided under both the FMLA and NJFLA, then the leave time taken shall be concurrent and be applied to both laws. In the event the reason for the family leave is recognized under one law and not the other law, the employee is eligible for each law's leave entitlements. For example, an employee may use FMLA leave for a twelve (12) week leave for the employee's own pregnancy, which is considered a "serious health condition" under FMLA, and upon conclusion of the twelve (12) weeks of FMLA leave, the employee would be eligible for a twelve (12) week NJFLA leave to care for their newborn or any other reasons pursuant to the NJFLA.

Disability leave that qualifies as a serious health condition under the FMLA will run concurrently with and be counted against the employee's FMLA leave entitlement. However, since the NJFLA does not provide leave for an employee's own health condition, disability leave is separate from, and in addition, to any leave provided by the NJFLA.

During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus not be counted against the employee's FMLA and/or NJFLA leave entitlements.

Continuation of Health Benefits - During any period of designated FMLA and/or NJFLA leave, the Borough shall continue an employee's group health benefits in a manner consistent with that to which the employee received immediately preceding commencement of the leave. The employee is responsible to make all group health benefits contributions during the employee's leave

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period, in accordance with Chapter 78, P.L. 2011, and any applicable collective negotiations agreement. If an employee does not return to work after the employee's FMLA/NJFLA leave expires, the Borough is entitled to recover health insurance costs paid while the employee was on FMLA/NJFLA leave.

Following exhaustion and/or termination of the FMLA/NJFLA leave period, the Borough may continue an employee's group health benefits, at the employee's request. In the event that the employee determines to continue his/her group health benefits following a period of designated FMLA/NJFLA leave, the employee shall be solely responsible for the full premium amount due.

Use of Accrued Paid Leave – During the period of FMLA and/or NJFLA leave, the employee must first utilize any accrued unused vacation, sick and personal days and said paid leave will run concurrently with and be counted against the employee's FMLA/NJFLA leave entitlements.

### **Domestic Violence Leave Policy**

The New Jersey Security and Financial Empowerment 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.

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Employees may take leave on an intermittent basis, but such leave cannot 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, 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 of Emerson 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 of Emerson 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 of Emerson shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

### **Military Leave Policy**

The Borough recognizes that a strong, ready Reserve and National Guard are essential to the defense of this nation in time of national emergency, disaster, domestic violence, or foreign aggression. The Borough also encourages its employees to serve in the Reserve or National Guard and recognizes the great personal and economic sacrifices of the patriotic men and women who may be called to duty in time of crisis.

Military leave with pay will be granted to an employee in accordance with N.J.S.A. 38:23-1, N.J.S.A. 38a:4-4 and the Uniformed Services Employment and Reemployment Rights Act ("USERRA") and in accordance with Borough policy.

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days.

Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less

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than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough of Emerson group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the time limits set forth by federal and/or State law, with reasonable allowances for commuting. : 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.

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## SECTION FOUR

### Compensation & Employee Benefits Policies

#### Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

#### Payroll Policy

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two weeks, with overtime being held back for two weeks in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

The Borough of Emerson will not accept responsibility for any employee's personal finances. The Borough of Emerson will acknowledge judgments against an employee's pay but will not act as a mediator between the employee and creditors.

#### Pay Period

Salaries for Borough employees are established by ordinances and resolutions of the Mayor and Council. Any annual pay raise shall be determined by the Governing Body and made retroactive to January 1 of that calendar year. The Borough shall pay employees bi-weekly, once in every two weeks, or a total of 26 times annually. On occasion, due to the calendar, there shall be 27 pay periods and weekly salaries shall be adjusted accordingly. The hourly rate, unless otherwise provided or agreed, shall be computed by dividing the weekly rate by the number of hours in the employee's prescribed workweek. The Borough reserves the right to switch to a twenty-four (24) annual pay period policy.

#### Overtime Compensation Policy

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. The following positions shall be considered managerial executives, and therefore are exempt from State and Federal statutes mandating overtime pay, as per N.J.A.C. 12:56-7.1 and 29 CFR 541.100, et seq.: Police Chief, Borough Clerk, Borough Administrator, Public Works Superintendent, Chief Financial Officer, and Tax Collector. There are also employees who may

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be exempt because their compensation exceeds \$107,432 per year depending upon their job duties. The Borough Administrator shall notify all Exempt employees of their status under the Act.

The Borough will determine the policy applicable to Exempt employees.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Overtime work shall be kept to a minimum. Except in cases of emergency, non-exempt employees are not permitted to work overtime unless the overtime is budgeted and approved in advance by the Department Head and the Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action. Department Heads shall rotate overtime assignments on an equitable basis among those qualified to perform the necessary work. Non-Exempt employees will receive straight time (overtime) compensation for hours worked in excess of thirty-five (35) hours but less than forty (40) hours in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty, (40), in a weekly period at the rate of one and one-half times the regular rate of pay. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not. Employees may choose overtime compensation in the form of overtime pay or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is two hundred forty (240) hours.. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Overtime hours worked shall be reported on the regular weekly time sheets. Supporting reasons for all overtime work shall be documented and submitted to the payroll clerk. To receive overtime pay, funds must be available, and the time approved by the Department Head or Borough Administrator in advance of the overtime worked. Accrued and taken overtime compensating hours must be noted on the employee's time sheet. [Only time actually worked is considered for purposes of determining overtime compensation.]

Employees must make a request to their Supervisor at least two days in advance when they want to take compensating time off. The Supervisor will approve the request if the absence does not cause undue hardship to the department.

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## **Timesheets**

All employees are required to accurately record their work time on the designated time record, sign it and return to his/her Supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time and holiday time on the designated time record. Non-exempt and exempt employees should turn the time record into his/her Supervisor.

The Supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative. The Borough reserves the right to implement an electronic time keeping process tied to the payroll system.

## **Payment for Accumulated Absence**

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Borough of Emerson shall only make such payment if the Chief Financial Officer or Borough Administrator certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper Documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employee's compensation for absences from work.

## **Health Insurance Policy**

Employees and their immediate family members, including civil union partner, are provided health insurance coverage administered by the State Health Benefits Plan. The Borough of Emerson reserves the right to change provider networks, claims agents, and insurance mechanisms (fully insured versus health insurance fund, e.g.). The complete benefit plan is online. The address is available in the Borough Clerk's office. Benefit levels for non-unionized employees are subject to change at the discretion of the Borough of Emerson.

Health insurance coverage for employees on a Leave of Absence or who cease Borough of Emerson employment will terminate at the end of the month in which the leave begins, or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage

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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. For more information, consult the Borough Administrator.

### **Employee Recognition Program**

The Governing Body may establish an awards program to recognize borough employees for outstanding service. Recognition may be accorded for the following reasons:

- a) Making a suggestion resulting in a cost savings to the Borough or providing better service to Borough residents
- b) Acts of bravery or heroism
- c) Developing a more efficient manner of performing required jobs
- d) Accomplishment of an outstanding nature in the employee's profession e)
- e) Perfect attendance within a calendar year

Awards shall be determined by the Borough of Emerson's Employee Recognition Awards Committee, consisting of five (5) members as determined by N.J.S.A. 40A:5-31 and appointed by the Mayor with the advice and consent of the Council.

Awards shall be made annually, and the amount or type of award shall be limited to funds available and designated for such purpose.

Nominations for said awards may be made by any employee, Department Head, Mayor or Council member, Awards Committee member, or resident of the Borough.

The Borough Administrator shall have the authority to dictate an objective set of criteria to be considered by the Governing Body, or its designee, in connection with this program.

The Awards Committee shall establish rules and programs consistent with this policy.

### **Dental Benefits Policy**

See Borough Clerk or Borough Administrator for information and updated links.

### **Drug Prescription Benefit Policy**

See Borough Clerk or Borough Administrator for information and updated links.

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## **Prescription Eyeglasses Benefit Policy**

See Borough Clerk or Borough Administrator for information and updated links.

NOTE: This benefit is paid for by the employee.

## **Deferred Compensation Policy**

The Borough may administer a deferred compensation plan, through a private company, for all Borough employees.

## **Pension**

All Borough employees covered under the Public Employees Retirement System (PERS) shall be governed by the requirements and provisions of the PERS system. In addition, it is recommended that an employee apply to PERS for pension benefits at a minimum of six (6) months prior to his/her planned retirement.

## **Flexible Spending Account**

In accordance with appropriate laws, the Borough provides the option for employees to establish a Flexible Spending Account for medical expenses.

## **Retirement Policy**

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file. No employees shall be paid for any accrued sick leave, vacation, holidays, or other leave of absence after their effective date of retirement.

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## **Administration**

Each department head shall be responsible for the administration of the terms of this Handbook within their department and in the absence of a Department Head or acting Department Head, the Borough Administrator is responsible for the administration subject to Mayor and Council approval.

For purposes of this manual, the Borough Administrator shall be deemed the Department Head for all administrative (non-contractual) employees. The Library Director is deemed the Department Head as it relates to library employees. The Police Chief and Superintendent of the Department of Municipal Services are deemed to be the Department Heads of their respective departments.

The Borough Administrator shall be responsible for the general overall administration of the terms of this policy and for interpretation of its provisions, provided that an appeal from the Borough Administrator's interpretation may be taken to the Mayor and Council.

## **Workers Compensation Policy**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Borough of Emerson covers workers' compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the Supervisor or Department Head and in no case more than 24 hours from the time of the incident.

All required medical treatment must be performed by a Workers Compensation Physician appointed by the Joint Insurance Fund. Payment for unauthorized medical treatment may not be covered pursuant to the Act. In addition, the employee must provide the Borough Administrator with documents from the treating physician to justify the employee's continued absence from work, or, the employee's return to work.

Unless explicitly provided for in a bargaining agreement, the Borough of Emerson will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits.

## **Policy of Posting Employee Notices**

Notice(s) will be distributed to all Department Heads and posted in a prominent place in the respective worksite including the Emerson Municipal Building, Police Headquarters, Public Library, or Department of Municipal Services Garage. Department Heads shall review and familiarize the employees with respect to such information contained in said notice.

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All posters required by law, including, but not limited to U.S. Department of Labor, the Equal Employment Opportunity Commission, and the New Jersey Department of Labor shall be posted in a prominent place in each of the Borough of Emerson's various work sites

### **Severability**

If any provision of these personnel policies is held to be invalid by law, by any court or administrative body, or other tribunal of competent jurisdiction, all other provisions contained herein shall continue in full force and effect and shall not be affected thereby.

### **Compliance with Collective Bargaining Agreements**

If any provision of these personnel policies is held to be inconsistent with terms and conditions set forth in collective bargaining agreements or administrative personnel agreements, the provisions contained in the collective bargaining agreements or administrative personnel agreements will supersede.

### **Educational Assistance and Training Policy**

Subject to sufficient funds in the budget and upon approval of the Department Head, employees may apply for reimbursement of tuition expenses incurred for training directly related to the employee's work. The Borough Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees must obtain the course or program curriculum and provide to the Borough Administrator for approval, prior to enrollment in the course or program, in order to apply for reimbursement.

Employees may receive reimbursement for the tuition cost for training or courses related to the duties of their position if pre-approved by the Borough Administrator in an amount to be decided by the governing body. If approved, the employee must provide proof of attendance and a passing grade. Reimbursement must be made if the employee leaves employment within twenty-four months of receipt of the training or class; if the employee fails to obtain a passing grade; or if the employee drops out or otherwise fails to complete the course, unless it is for circumstances beyond the employee's control, such as military deployment. When enrollment for short training courses or seminars is requested by the Borough, employees will receive full reimbursement if they provide the Borough Administrator with proof of a passing grade.

The Borough Administrator retains authority to deny requests for tuition reimbursement where he/she deems that the subject matter of the course is not reasonably related to the employee's employment position with the Borough. The Borough Administrator shall exercise this discretion in good faith.

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This section does not provide for an employee to attend a course or program during the employee's work hours for the Borough. If the requested course or program is given solely on those days and times the employee is scheduled to work, the employee must use his/her accumulated vacation time or personal days to attend such course or program, subject to the approval of the Borough Administrator.

### **Conference and Seminar Policy**

Requests to attend a conference or seminar must be approved by the Borough Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must be submitted to the Department Head at least thirty days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds and manpower. The employees attending the conference or seminar must provide to the Borough Administrator proof of attendance or a certificate of completion.

### **Convention/Conference Leave**

Department Heads, or employees designated by Department Heads, shall submit any convention/conference leave requests in writing to the Borough Administrator at least ten (10) days prior to any convention/conference. Aside from Department Heads, other employees can attend a convention/conference only if it for the purpose of obtaining continuing education units (CEUs) related to one's job. Conventions/conferences can only be attended in states contiguous with New Jersey and only in those circumstances where the convention/conference is only out of State. Reimbursements shall be made for registration fees, reasonable meal expenses excluding alcohol, and a hotel room cost not to exceed the established convention rate; however, all such expenses and/or allowances shall be capped each year by Resolution of the governing body.

### **Longevity**

In addition to the annual salary as determined by the salary ordinance for the calendar year, a permanent full-time employee shall receive a longevity payment at the expiration of three (3) years of service, employees on active status or terminal leave shall receive an additional one (1) percent of annual compensation. After six (6) years of service, two (2) percent of annual compensation; thereafter, for each additional three (3) years of service, one (1) percent annual compensation will be added to a maximum of nine (9) percent after twenty-four (24) years of service.

Employees hired after January 1, 2002 shall not be entitled to longevity.

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## SECTION FIVE

### Managerial/Supervisory Procedures

#### Employment Procedure

- **Recruitment:** The Borough Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and Equal Employment Opportunity Commission (“EEOC”) requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Emerson is an equal opportunity employer.
- **Applications:** All candidates must fully complete an **application form**. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Borough of Emerson 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 the accommodation does not impose an unreasonable hardship on the Borough of Emerson.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough Administrator may require applicants to pass a physical examination in order to ensure 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 Administrator may require periodic physical examinations to determine the employee’s continued ability to perform the duties of the position. All physical

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examinations must be performed by a physician chosen by the Borough of Emerson at the expense of the municipality. All medical records of employees and prospective employees are confidential and are to be maintained by the Borough Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Criminal Background Checks:** Criminal background checks are required of all candidates, 18 years or older, whether paid or volunteer, part- or full-time, temporary or seasonal, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Borough Ordinance entitled "Background Checks and Procedures for Candidates, Employees and Volunteers".
- **Job Offers:** Pursuant to N.J.S.A. 40A:60-5, the Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the borough, unless the specific terms of the general law clearly require a different appointment procedure. The Mayor and Council's final decision will be made after the Personnel Committee's screening process is completed. Any offer of employment, including conditional offers of employment, shall be extended to the selected candidate as directed by the Mayor and Council. 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 Emerson. The employment offer must 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. NOTE: The Mayor and Council interviews and selects Department Head(s) with the advice of the Borough Administrator and/or the Personnel Committee.
- **Acceptances and Rejections:** If the first offer is rejected, the Borough Administrator will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an **employment verification form (I-9)** and to provide acceptable proof of right to employment in the United States.
- **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

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Borough Administrator. 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. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

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## **Background Checks and Procedures for Candidates, Employees and Volunteers**

[Code of the Borough of Emerson, Article IV Mandatory Background Checks, §200-40 through §200-47]

- **Background checks required:** Criminal background checks are required of all candidates over the age of 18, whether for paid or volunteer positions, who will be working directly or indirectly with children/youth/minors. Criminal background checks will also be performed every three years for each employee or volunteer that works directly or indirectly with children/youth/minors. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs).
- **Background check procedure:** The Borough Administrator will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Borough Administrator will discuss potentially disqualifying information received with the employee's or volunteer's department head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. 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.).

When a disqualification decision has been made as a result of the employer's "targeted screening process" described below, 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 of Emerson 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. In addition, the individual shall be advised that he/she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him/her under the circumstances. This information may include evidence of an error in the criminal record;

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facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the employer shall give the individual further consideration. 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.

- **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 as a result of the employer's targeted screening process, by which the employer has taken into account the following factors:

(a) The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.); (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence; (c) The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed. 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. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the

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employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

- **Appeal Process:** The Appeals Committee will be comprised of a Police Chief or other designated Superior Officer and Borough Administrator.

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 of Emerson. 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 with pay, pending the outcome of the Notice of Appeal.

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

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

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9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

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

### **Nepotism Procedure**

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Exception: Summer Camp Counselors.

### **Open Public Meetings Act Procedure Concerning Personnel Matters**

Discussions by the governing body, or any public body, concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.

### **Processing and Orientation of New Employees Procedure**

All new regular full-time and regular part-time employees will be scheduled to meet with the

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Borough Administrator and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Borough Administrator for inclusion in the employee's official personnel file. The orientation will include:

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

### **Initial Employment Period Procedure/Probationary Period**

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment, or "probationary," period of not less than three (3) months or more than six (6) months, as determined by the Borough Administrator. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the Supervisor will conduct an employee evaluation. **See Performance Evaluation Procedure.** New employees may be discharged at any time during this period, with or without cause. Under appropriate circumstances, the Borough Administrator may extend the initial employment/probationary period.

Probationary employees are not eligible for payment of paid time or sick time off except holidays until the successful completion of their initial employment period.

**NOTHING IN THE PROCEDURE SET FORTH IN THIS SECTION SHALL ALTER THE BOROUGH OF EMERSON'S EMPLOYMENT AT WILL POLICY. EMPLOYMENT WITH THE BOROUGH IS AT WILL AND MAY BE TERMINATED AT ANY TIME**

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WITH OR WITHOUT CAUSE OR NOTICE BY THE BOROUGH OF EMERSON OR THE EMPLOYEE.

### **Employee Handbook Procedure**

The Borough Administrator, with the assistance of the Borough Attorney or Labor Counsel, shall draft an Employee Handbook for the approval of the Borough Administrator. If appropriate, a separate version of the Handbook will be drafted for part-time and seasonal employees as well as for major bargaining groups. Once approved, copies will be distributed, and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

### **Performance Evaluation Procedure**

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

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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.

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- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

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

- *Exceeds Expectations* means consistently exceeds established standards in most areas of responsibility. All requirements must be met, and objectives achieved above the established standards.
- *Meets Job Requirements* means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.
- *Needs Improvement* means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.
- *Does Not Meet Minimum Standards* means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

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After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review and if appropriate comment by the Borough Administrator, the form(s) will 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.

### **Disciplinary Action Procedure**

All employees are expected to meet the Borough of Emerson's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Borough of Emerson's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Borough of Emerson's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Borough Administrator, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Borough Administrator for the employee's official personnel file.
- **Borough Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised, and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action

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within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Borough Administrator for the employee's official personnel file.

- **Suspension:** Whenever an employee is recommended for suspension, with or without pay, the Borough Administrator will make the decision and may seek the advice of the Labor Counsel or Borough Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough Administrator will make the decision only after seeking the advice of the Labor Counsel or Borough Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

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### **Personnel File Procedure**

The official personnel files shall be maintained by the Borough Administrator and employee medical information will be maintained in a separate file. At least annually, the Borough Administrator will review files to make sure they are up-to-date and will follow up with the Department Heads as necessary.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;

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- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

### **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.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form but are not compelled to do so.
- **Identification/Screening:** The Supervisor, Department Head or Borough Administrator must report all written or verbal complaints to the Borough Administrator unless the

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complaint is against the Borough Administrator. Upon receipt, the Borough 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 Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough 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.

- **Investigation:** The Borough Administrator will seek the advice of the Labor Counsel or other appropriate professionals when planning the investigation. The investigation should be conducted by the Borough Administrator for civil matters. The matter will be referred to the Police 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.
- **Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions with Labor Counsel or other appropriate professionals 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 Emerson 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.

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- **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 Labor Counsel or other appropriate professionals 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.

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### **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 Chief Financial Officer. 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 Emerson is required to release the information by law or (2) the employee or former employee authorizes the Borough of Emerson in writing to furnish this information and provides a written release to the Borough of Emerson, from any and all liability, in a form approved by the Borough Attorney.

### **Continuing Education Procedure**

The Borough of Emerson, in conjunction with the Labor Counsel, JIF, Shared Services Group or other appropriate professionals, will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough of Emerson will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Emerson employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

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

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

The Borough is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Borough to the maximum extent possible and has adopted a policy which establishes the guidelines for officials, employees, and volunteers who set policy for the Borough or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors. The full policy is available for review in the **Borough's Personnel, Policies and Procedures Manual**.

### **Leave Pursuant to the New Jersey Security and Financial Empowerment Act (New Jersey Safe Act)**

Employees may be eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their family member must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the Borough for at least twelve (12) 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.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19, or a victim of a sexually violent offense, as that term is defined in N.J.S.A. 30:4-27.6.

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In accordance with N.J.S.A. 34:11D-3, leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
- (2) Obtaining services from a victim services organization for the employee or the employee's family member;
- (3) Obtaining psychological or other counseling for the employee or the employee's family member;
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee's family member;
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- (6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member was a victim. Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense.

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employees seeking leave must provide proof that they qualify for the leave. Such proof may include a restraining order, letter from a prosecutor, 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 ("FMLA") and/or the New Jersey Family Leave Act ("NJFLA"). If so, the Borough will treat the leave concurrently with the leave under those statutes.

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.

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Employees taking such leave may be eligible for Family Leave Insurance benefits through the State.

### **Borough Property**

All Borough property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, lockers, and any and all electronic devices, including phones, computers, etc.

### **Media Policy**

No press release or statement to the media relating to any Borough matters shall be issued by any employee or any Department Head unless and until authorization to issue such release has been obtained from the Borough Administrator and copy of the press release or statement to the media shall be forwarded immediately to the office of the Borough Administrator.

The foregoing policy shall not apply to the Police Chief or Fire Chief, who are authorized to issue press releases concerning police force activities and events. Program advertisements are not included under this restriction.

All inquiries from newspapers or television reporters should be referred to the Borough Administrator immediately, who will then refer the issue to the appropriate Department Head as deemed appropriate.

A violation of this policy may subject the employee to discipline, up to and including termination.

### **Modification of Work Schedule Non-FMLA or FLA**

A request modification of a work schedule unrelated to FMLA or FLA leave must be made to the Borough Administrator. Approval of such request will be at the discretion of the Borough Administrator, in consultation with the Department Head and subject to final approval of the governing body.

In assessing a request for modification, the following factors will be considered:

1. Nature and length of modification requested

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2. The employee's length of employment with the Borough
3. Whether the employee's duties and responsibilities are amenable to the requested modification
4. Supervisory abilities if the modification is granted
5. Any burden to the Borough

Any modification approved will be temporary and for a finite period of time, the duration of which will be determined by the Borough Administrator, in consultation with the Department Head, and subject to the approval of the governing body. Such approval is also subject to a one-month review by the Borough Administrator and the Department Head. The modification can be terminated at any time, with or without cause.

### **Immigration Law Compliance**

In compliance with the Immigration Reform and Control Act of 1986, each new employee hired after November 6, 1986, as a condition of employment, must complete the **Employment Eligibility Verification form I-9** and present documentation establishing identity and employment eligibility. Former employees who are re-hired must also complete the form if they have not completed an I-9 with the Borough of Emerson, if it has been over three years from the date of prior termination, or if the Borough does not have the prior I-9 form on file.

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## SECTION SIX

### Forms

- Notice of Personnel Discussion
- Notice of Conscientious Employee Protection Act/Whistleblower Act (English & Spanish)
- Employee Letter Concerning Employee Complaint Procedure
- Application for Employment
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Performance Appraisal
- Counseling Action Plan
- Employee Evaluation Checklist
- Fingerprint and Background Check Consent Form for Employees, Job Applicants, and Volunteers That May Work or Have Contact with Minors
- Outside Employment Form
- Receipt for Employee Handbook, Personnel Policies and Procedures Manual

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**Borough of Emerson**

**NOTICE OF PERSONNEL DISCUSSION**

To: \_\_\_\_\_

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

This is to notify you, pursuant to the Open Public Meeting Act, that the (body name) plans to discuss the subject matter(s) checked below relating to your employment.

- Application for Employment
- Promotion or Transfer
- Compensation
- Performance Evaluation
- Special Leave Request
- Grievance
- Discipline
- Possible Termination
- Other (Specify): \_\_\_\_\_

The discussion will take place at the following meeting(s):

Date of Meeting(s): \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

The discussion will be in closed session, not open to the public, unless before the meeting the Emerson Borough Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: \_\_\_\_\_ Signed: \_\_\_\_\_ (title) \_\_\_\_\_

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# Conscientious Employee Protection Act

## "Whistleblower Act"

### Employer retaliatory action; protected employee actions; employee responsibilities

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

#### CONTACT INFORMATION

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

Name: Robert Hermansen, Borough Administrator  
Address: 1 Municipal Place  
Emerson, NJ 07630  
Telephone Number: 201-262-6086 ext 1202

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

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



AD-270 (8/11)

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# La Ley de protección al empleado consciente

## “Ley de protección del denunciante”

### Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
  - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
  - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
  - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
  - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
  - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
    - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
    - (2) es fraudulenta o delictiva; o
    - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

#### Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: Robert Hermansen, Borough Administrator  
Dirección: 1 Municipal Place  
Emerson, NJ 07630  
Número de teléfono: 201-262-6086 ext. 1202

### ***Este aviso se debe exponer a la vista de todos.***

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



AD-270.1 (8/11)

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## Borough of Emerson Employee Complaint Form

**Attach additional sheets if necessary to fully complete all questions    Date:**

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**NAME:** \_\_\_\_\_ **DEPARTMENT:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_ **SUPERVISOR:** \_\_\_\_\_

**Time period covered by this complaint:** \_\_\_\_\_

**Individuals who allegedly committed the acts being complained of:**

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

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

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

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

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

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

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

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## **ACKNOWLEDGMENT**

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

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

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

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

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

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## Employment Application

Borough of Emerson  
146 Linwood Avenue  
Emerson, NJ 07630

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

### Applicant Information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Please list any driver's license endorsements: \_\_\_\_\_

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

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

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

### The Borough of Emerson is an Equal Opportunity Employer M/F

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

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

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Supervisor's name and phone number:

May we contact for a reference: \_\_\_ Yes \_\_\_ No

**Comments:**

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

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

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

Language:	Speak Some:	Speak Fluently:	Read:	Write:

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

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

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

Name & Address:	Phone Number:	Years Known:

**Understandings and Agreements:**

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

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

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**Conditions of Employment:**

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent for drug testing and if the test results are positive and not accounted for by the legal use of prescription or non-prescription drugs, the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

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

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## Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

### Applicant Information:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/town: \_\_\_\_\_  
Phone: (    ) \_\_\_\_\_

Position Applied For: \_\_\_\_\_

How did you learn about this position?     Advertisement     Employment Agency  
 Friend     Relative     Walk-in     Other (Explain) \_\_\_\_\_

### Information Regarding Status:

Gender:

Male  
 Female

Equal Employment Opportunity identification groups:

White  
 African-American (non-Hispanic)  
 Hispanic  
 American Indian/Alaskan native  
 Asian/Pacific Islander  
 Other \_\_\_\_\_

Other protected Groups:

Individual with a disability  
 Vietnam-era veteran (served between 1964 and 1975)  
 Disabled veteran  
 Veteran deployed overseas to combat areas

**For Borough of Emerson use only**

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Hired:   Yes     No   Position \_\_\_\_\_ Date \_\_\_\_\_

<b>Which EEO job classification best describes the position for which the applicant applied?</b>		
1. Officials and Managers	4. Sales workers	7. Operators (semi-skilled)
2. Professionals	5. Office and clerical workers	8. Laborers (unskilled)
3. Technicians	6. Craft workers (skilled)	9. Service workers
Borough of Emerson Official _____		Date _____

<b>This page for Borough of Emerson use only!</b> <b>Results of interview</b>
--

Interviewer: \_\_\_\_\_

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

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## NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
<b>Name</b>	<ul style="list-style-type: none"> <li>a) The fact of a change of name or the original name of an applicant whose name has been legally changed</li> <li>b) Maiden name</li> </ul>	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
<b>Birthplace and Residence</b>	<ul style="list-style-type: none"> <li>a) Birthplace of applicant</li> <li>b) Birthplace of applicant's parents</li> <li>c) Requirement that applicant submit birth certificate, naturalization or baptismal record</li> <li>d) Own home, rent, board or live with parents</li> <li>e) Citizenship</li> </ul>	<ul style="list-style-type: none"> <li>a) Are you in the United States on a visa, which prohibits you from working here?</li> <li>b) Are you either a US citizen or a permanent resident alien?</li> </ul>
<b>Creed and Religion</b>	<ul style="list-style-type: none"> <li>a) Applicant's religious affiliation</li> <li>b) Church, parish, or religious holidays observed by applicant</li> </ul>	
<b>Race or Color</b>	<ul style="list-style-type: none"> <li>a) Applicant's race</li> <li>b) Color of applicant's skin, eyes, hair, etc.</li> <li>c) Driver's license number</li> </ul>	
<b>Photographs</b>	<ul style="list-style-type: none"> <li>a) Photographs with application</li> <li>b) Photographs after interview, but before a hiring</li> </ul>	
<b>Age</b>	<ul style="list-style-type: none"> <li>a) Date of birth or age of applicant</li> <li>b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age</li> <li>c) Driver's license number</li> </ul>	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
<b>Language</b>	<ul style="list-style-type: none"> <li>a) Applicant's mother tongue</li> <li>b) Language commonly used by applicant at home</li> <li>c) How the applicant acquired ability to read, write, or speak a foreign language</li> </ul>	Language applicant speaks and/or writes fluently (only if job related)
<b>Relatives</b>	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
<b>Military Experience</b>	<ul style="list-style-type: none"> <li>a) Applicant's military experience in other than United States Armed Forces</li> <li>b) National Guard or Reserve Units of applicant</li> <li>c) Draft classification or other eligibility for military service</li> <li>d) Applicant's whereabouts during periods of armed conflict</li> <li>e) Dates, conditions and type of discharge</li> </ul>	<ul style="list-style-type: none"> <li>a) Military experience of applicant in Armed Forces of United States only when used for employment history</li> <li>b) Whether applicant has received any notice to report for duty in Armed Forces</li> </ul>

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Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
<b>Organizations</b>	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
<b>References</b>	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
<b>Sex and Marital Status</b>	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation	
<b>Arrest and Conviction Record</b>	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job
<b>Height and Weight</b>	Any inquiry into height or weight of applicant	
<b>Physical Disabilities</b>	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in questions involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
<b>Education</b>	Whether or not the applicant is a high school graduate	a) Show highest grade completed b) Detail your educational background

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# BOROUGH OF EMERSON PERFORMANCE APPRAISAL

EMPLOYEE NAME: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

DEPARTMENT/JOB TITLE: \_\_\_\_\_ DATE OF HIRE: \_\_\_\_\_

PRESENT REVIEW DATE: \_\_\_\_\_ LAST REVIEW DATE: \_\_\_\_\_ TIME IN POSITION (YRS.): \_\_\_\_\_

Use the Comments section to note goals being appraised and to provide future goals.

## Overall Rating (circle)

1 – Does not meet minimum standards    2 - Needs Improvement    3 – Meets Job Requirements    4 – Exceeds Expectations

### TRAINING/ JOB KNOWLEDGE: *Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.*

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job. | <input type="checkbox"/> New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge. | <input type="checkbox"/> Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job. | <input type="checkbox"/> Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations. |
|---|--|--|---|

Comments:

### PERFORMANCE: *Consider dependability, communication skills, and the quality and quantity of work based on established standards.*

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Frequently damages government property and/or equipment. Work not up to expectations. | <input type="checkbox"/> Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected. | <input type="checkbox"/> Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors. | <input type="checkbox"/> Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible. |
|--|---|--|---|

Comments:

### WORK CONDUCT: *Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.*

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers. | <input type="checkbox"/> Occasionally has disciplinary problems but is working to correct behavior. Needs to project a positive outlook and pleasant manner. | <input type="checkbox"/> Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code. | <input type="checkbox"/> Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way. |
|---|--|---|---|

Comments:

### COOPERATION: *Consider teamwork, or the ability to work with others in a cooperative and productive manner.*

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances. | <input type="checkbox"/> Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others. | <input type="checkbox"/> Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed. | <input type="checkbox"/> Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork. |
|--|---|---|--|

Comments:

### SAFETY: *Consider the respect shown for self, co-workers and public.*

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions. | <input type="checkbox"/> Sometimes disregards safety procedures or misuses equipment. | <input type="checkbox"/> Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards. | <input type="checkbox"/> Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. Suggests safety improvements. |
|---|---|--|--|

Comments:

**CUSTOMER SERVICE: Consider responsiveness to public the needs and requests.**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Responds inappropriately to questions, requests, or situations. | <input type="checkbox"/> Occasionally does not respond tactfully or completely. | <input type="checkbox"/> Exhibits courtesy and tact. Answers questions or refers to the appropriate party. | <input type="checkbox"/> Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information. |
|--|---|--|---|

Comments:

**JUDGMENT: Consider ability to produce quality work in a cost-conscious manner without needing guidance from manager.**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision. | <input type="checkbox"/> Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems. | <input type="checkbox"/> Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes. | <input type="checkbox"/> Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information. |
|--|---|--|--|

Comments:

**ATTENDANCE: Consider absenteeism and punctuality.**

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Frequently arrives to work late. Excessive absenteeism beyond allotted time. | <input type="checkbox"/> Occasionally arrives late. Uses nearly all allotted sick time each year. | <input type="checkbox"/> Always arrives on time. Takes an average amount of sick time. | <input type="checkbox"/> Always prepared for work. Highly reliable attendance. |
|---|---|--|--|

Comments:

**VOLUNTEER: Consider willingness to volunteer at work and in the community.**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Never volunteers to help. Puts down others who do volunteer work. | <input type="checkbox"/> Usually not interested in volunteering for projects, teams, etc. | <input type="checkbox"/> Willing to volunteer if asked to volunteer. | <input type="checkbox"/> Actively seeks opportunities to volunteer at both work or in the community. |
|--|---|--|--|

Comments:

**DIRECTING WORK: Consider planning, organizing, problem solving, leadership, and supervisory skills.**

Does this person have supervisory responsibilities?

- All the time as part of job requirement.  
 Supervises on an as needed basis.

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly. | <input type="checkbox"/> New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor. | <input type="checkbox"/> Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example. | <input type="checkbox"/> Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems. |
|--|---|---|---|

Comments:

**EMPLOYEE COMMENTS:**

**I have reviewed the appraisal and discussed its contents with my supervisor.**

**EMPLOYEE SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SUPERVISOR SIGNATURE** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## BOROUGH OF EMERSON: COUNSELING ACTION PLAN

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

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

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

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

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

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

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

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**Employee should reach these goals by:**

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

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

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

**Employee's Comments:**

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

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

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

**Borough Administrator Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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## Borough of Emerson EMPLOYEE EVALUATION CHECKLIST

**BE PREPARED**

- Know the objectives and goals of the meeting.

**TIME AND PLACE**

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

**CONDUCTING THE INTERVIEW**

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

**CONCLUSION**

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

**FOLLOW-UP**

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

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

In accordance with Borough of Emerson Ordinance No. 1415-10 and N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the Borough of Emerson requires background checks on all individuals who will be working with children.

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

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFT all offenses

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

2C:35 CONTROLLED DANGEROUS SUBSTANCES  
all offenses **except** paragraph (4) of subsection a. of NJS.2C:35-10

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Name (please print)

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Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_

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Parent's signature (if applicant is under 18) \_\_\_\_\_ Date \_\_\_\_\_

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**Receipt for Employee Handbook,  
Personnel Policies and Procedures Manual**

I acknowledge that I have received a copy of the Borough of Emerson's Employee Handbook, Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my Supervisor or the Borough Administrator. I understand that Borough of Emerson is an "at will" employer and consistent with applicable Federal and State law, as well as applicable bargaining unit agreements, employment with the Borough of Emerson 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 Emerson has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual state the Borough of Emerson's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with Borough of Emerson for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Borough Administrator.

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

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

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

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

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