



MUNICIPAL EXCESS LIABILITY  
JOINT INSURANCE FUND  
**VOLUNTEER HANDBOOK**

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## **VOLUNTEER HANDBOOK**

### **DISCLAIMER**

The purpose of this Handbook is to acquaint volunteers of the Borough of Fair Haven with the policies and practices which apply to a volunteer's position with the Borough of Fair Haven. The policies and practices contained in this Handbook are only guidelines and maybe canceled or changed by the Borough of Fair Haven at any time with or without notice. This Handbook is not intended to nor does it create an employment contract between the Borough of Fair Haven and any of its volunteers.

### **THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT.**

**Except as otherwise provided by contract or applicable law, a volunteer's service is at-will. This means that any volunteer may voluntarily terminate his/her service with the Borough of Fair Haven at any time, for any reason. It also means that the Borough of Fair Haven may terminate any volunteer's service with the Borough of Fair Haven at any time, with or without good cause. Nothing contained in this Handbook constitutes a contractual right, express or implied. No provision contained in this Handbook or any other policy or procedure may be changed by any oral statement but must be in writing signed by an authorized representative of the Borough of Fair Haven.**

The Borough of Fair Haven retains all rights to discharge or discipline volunteers. As a volunteer of the Borough of Fair Haven, you agree to conform to all applicable policies, procedures, rules, regulations, statutes and collective negotiations agreements.

This Handbook is not meant to affect, or to be a comprehensive description of local, State or federal statutes, rules or regulations, disciplinary procedures, benefits, workers' compensation, leaves, compensation, the policies, practices and procedures of the Borough of Fair Haven, or collective negotiations. The rights and responsibilities of volunteers are always governed by existing law and any applicable agreements or established past practice. Nothing in this Handbook provides legal rights in addition to those, if any, provided to volunteers under local, State or federal statutes, rules, regulations, collective negotiations agreements or established past practice. If any part of this Handbook conflicts with local, State or federal statutes, rules, regulations, executive orders, a collective negotiations agreement or established past practice, the part of the Handbook which conflicts with a local, State or federal statute, rule, regulation, collective negotiations agreement or established past practice will be null and void as it applies to the affected group of volunteers. Likewise, if at any time, any local, State or federal statutes, rules, regulations, executive orders or collective negotiations agreement should be amended, this Handbook will be deemed to have been likewise amended, even though actual changes to the Handbook have not been made.

Please be aware that this Handbook contains a summary of several laws, rules, regulations, and policies that are applicable to volunteers. However, this Handbook is not intended to be a comprehensive description of every policy that applies to volunteers. The Borough of Fair

Haven's Personnel, Policies and Procedures Manual, a more comprehensive document that is applicable to volunteers, is also available for review.

In the event of a declared State of Emergency or otherwise, if any local, State or Federal statute, rule, regulation or Executive Order temporarily amends, alters, suspends or discharges any of the terms set forth in this Handbook, the terms and provisions herein shall be similarly temporarily amended, altered, suspended and or discharged, without the need for formal written amendment of this Handbook.

This Handbook shall apply to all volunteers of the Borough of Fair Haven, including but not limited to volunteer firefighters, first aid squads, and CERT team members. [NOTE: the definition of volunteers should be based on the individual municipality's structure as it relates to volunteers, including volunteer fire departments]

Volunteers will be notified when any material changes are made to the policies contained in this Handbook.

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## **I. ANTI-DISCRIMINATION POLICIES**

### **A. Equal Opportunity**

The Borough of Fair Haven is committed to providing equal opportunity through its employment practices and through the many activities, programs, and services it provides to the community. The Borough of Fair Haven will make all personnel decisions without regard to race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, 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, unless required by a bona fide occupational qualification.

The Borough of Fair Haven will ensure that personnel decisions are made in accordance with principles of Equal Employment Opportunity by imposing only nondiscriminatory job requirements. The Borough of Fair Haven will not discriminate with regard to any term, condition or privilege of a volunteer's position. Borough of Fair Haven-sponsored training, education, tuition assistance, and social and recreation programs will be administered without discrimination. The Borough of Fair Haven has an Affirmative Action Officer ("AAO"), who is assigned overall responsibility of the Affirmative Action Program. Any volunteer with a question or grievance should contact the Borough Administrator.

### **B. Americans with Disabilities Act**

In compliance with the Americans with Disabilities Act ("ADA"), the ADA Amendments, and the New Jersey Law Against Discrimination ("NJLAD"), the Borough of Fair Haven does not discriminate based on disability. The Borough of Fair Haven will endeavor to make every work environment handicap accessible and consider reasonable accommodations, when appropriate. Future construction and renovation of facilities will be in accordance with the ADA Accessibility Guidelines, as well as the ADA Amendments Act.

## **II. ANTI-HARASSMENT POLICY**

The Borough of Fair Haven 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 of Fair Haven. This policy applies to all employees and volunteers as well as to any individuals who may come in contact with employees

and volunteers. 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,

- 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 volunteer 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 volunteer position. Referral to another appropriate authority for review for possible violation of federal and State statutes may also be appropriate.

Volunteer Responsibilities – The Borough of Fair Haven cannot address or correct harassing conduct that it is not aware of. Any volunteer 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 or directly to the Borough of Fair Haven’s Equal Employment Opportunity/Affirmative Action Officer or to any other persons designated by the Borough of Fair Haven to receive workplace discrimination complaints. Specifically, volunteers are encouraged to utilize the attached Discrimination Complaint Processing Form.

All volunteers 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.

Supervisor Responsibilities – Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the Borough of Fair Haven’s Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the Borough of Fair Haven to receive complaints of workplace discrimination/harassment. A supervisor’s failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination.

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, including volunteers.

Investigation of Complaints – Any complaint made under this section shall be investigated by the Borough of Fair Haven in a manner consistent with the New Jersey State Model Procedures for Internal Complaints Alleging Discrimination in the Workplace. 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.

## **CONDUCT OF VOLUNTEERS**

### **A. Ethical Conduct**

Pursuant to the provisions of the Local Government Ethics Law:

1. No volunteer 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.
2. No volunteer 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 volunteer 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 volunteer 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 volunteer, 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 volunteer 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 volunteer or business organization in which he or she has an interest will represent any person or party other than the Borough of Fair Haven in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves. A volunteer or members of his or her immediate family may represent himself or herself in proceedings concerning the volunteer's own interests.

### **B. Political Activity**

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 volunteer 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 volunteer whose principal position is in connection with a program financed in whole or in 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 volunteer 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 a volunteer if his/her position is federally-funded.

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

### **III. WORKPLACE**

#### **A. Appearance Policy**

Volunteers are expected to present themselves in a neat, business-like manner and shall dress appropriately for the work they perform. At the discretion of the Borough of Fair Haven, individual Departments may implement specific dress code requirements. Uniforms, where required, shall be worn in accordance with applicable departmental standards.

Volunteers violating this policy shall be required to take corrective action, or will be sent home.

#### **B. Vehicle Use Policy**

Borough of Fair Haven vehicles may be assigned to volunteers for use during the performance of official Borough of Fair Haven business only. Any volunteer who utilizes an Borough of Fair Haven-assigned vehicle for personal use may be subject to disciplinary action. Additionally, the volunteer to whom a vehicle is assigned is the party responsible for its security and maintaining it in a safe operating condition. Vehicles may only be taken home with the advance approval of the Borough of Fair Haven.

Driver’s License Policy - Any volunteer whose work requires the operation of an Borough of Fair Haven-assigned vehicle, or the operation of their own vehicle for Borough of Fair Haven business, must hold a valid New Jersey State Driver’s License. Such volunteers shall be required to

submit to a driving records check by the New Jersey Motor Vehicle Commission as a condition of employment. Periodic checks of volunteers' drivers' licenses will also be made.

Volunteers who drive their own vehicle for Borough of Fair Haven business must provide the Borough of Fair Haven with a copy of their current Certificate of Insurance evidencing liability limits of \$100,000. 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 volunteer to disciplinary action, up to and including termination. Any volunteer who does not hold a valid New Jersey Driver's License shall not be allowed to operate an Borough of Fair Haven-assigned vehicle until such time as a valid license is obtained.

### **C. Computer Usage**

In order to provide a viable data and communication system for the Borough of Fair Haven that supports the needs of all departments, security and confidentiality of the information must not be compromised. Security is a major concern throughout every office of the Borough of Fair Haven and its volunteers. This provision shall apply to the day-to-day operations of all the Borough of Fair Haven's information and technology equipment, as well as mobile or portable units. Although this policy comprehensively addresses current security concerns, impending and future system developments may require additional security considerations.

Every volunteer must be cognizant of the potential for civil liability inherent in the dissemination of information obtained through the Borough of Fair Haven's information systems. The Borough of Fair Haven reserves the right to prosecute, in a civil or criminal manner, as well as discipline in accordance with the Borough of Fair Haven's rules and regulations, any volunteer who violates any section of this provision.

The Borough of Fair Haven shall have the express right to access any electronic information device utilizing any administrative or user password for the purpose of troubleshooting, supporting or maintaining the computer network or while investigating an incident or violation of this policy. All electronic information devices, their contents, e-mail or electronic correspondence originating from or arriving on a device owned or authorized on the Borough of Fair Haven's computer network, is the property of the Borough of Fair Haven and is subject to entry and inspection without notice. Any data or information created or stored on the Borough of Fair Haven's computer network becomes the sole property of the Borough of Fair Haven. Ownership of said data is forfeited and all rights to ownership are surrendered to the Borough of Fair Haven.

In order to ensure that the Borough of Fair Haven's electronic network is being used only for legitimate business purposes, the Borough of Fair Haven reserves the right to enter or search any computer file, the e-mail system, and/or monitor computer and e-mail use. Accordingly, no volunteer should have any reasonable expectation of privacy regarding their use of the Borough of Fair Haven's computer or when utilizing the Borough of Fair Haven's computer network, including, but not limited to, electronic mail. All such documents or information may be subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.

Further, Borough of Fair Haven business which is conducted by a volunteer on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

#### **D. Social Networking Policy**

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

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

Specifically, the Borough of Fair Haven 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 of Fair Haven by other volunteers or third parties. Volunteers 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 volunteers 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 those 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 volunteers' official job duties.

#### **IV. DRUG- AND ALCOHOL-FREE WORKPLACE POLICY**

The possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees and volunteers. To that end, the Borough of Fair Haven has adopted a Drug and Alcohol Free Workplace Policy and all volunteers are subject to the rules and regulations set forth in that policy. Specifically, the manufacturing, distribution, dispensing, and/or use of alcohol or unlawful drugs on the Borough of Fair Haven's premises, or during work hours, by volunteers is strictly prohibited.

Any volunteer who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol and drugs during working hours, or is under reasonable suspicion of same, shall be immediately tested and is subject to discipline, up to and including termination. Volunteers who are required to maintain a Commercial Driver's License ("CDL") are subject to random drug testing as required by the federal government. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination.

As a condition of working in safety-sensitive volunteer positions, such as volunteer firefighters and first aid workers, all final applicants for such positions shall be subject to drug testing.

The full Drug and Alcohol Free Workplace Policy and the CDL Drug and Alcohol Testing Policy are both available for review in the Borough of Fair Haven's Personnel, Policies and Procedures Manual.

#### **V. DOMESTIC VIOLENCE POLICY**

The Borough of Fair Haven hereby adopts the Statewide Domestic Violence Policy for Public Employers released by the New Jersey Civil Service Commission, which is applicable to all public employers pursuant to N.J.S.A. 11A:2-6a. Such policy requires that the Borough of Fair Haven designate a Human Resources Officer ("HRO") to assist volunteers who are victims of domestic violence. The HRO must receive training on responding to and assisting volunteers who are domestic violence victims in accordance with the policy. Volunteers who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. The Borough of Fair Haven will develop a plan to identify, respond to, and correct performance issues that may be caused by a domestic violence incident.

The full policy is available for review in the Borough of Fair Haven's Personnel, Policies and Procedures Manual.

#### **VI. PROTECTION AND SAFE TREATMENT OF MINORS**

The Borough of Fair Haven is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Borough of Fair Haven 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 of Fair Haven 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.

All such prospective volunteers may be required to undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other State where the applicant previously resided. The full policy is available for review in the Borough of Fair Haven's Personnel, Policies and Procedures Manual.

In addition to those volunteers who interact with minors, all volunteers may be required to undergo a thorough and complete background check, subject to any state or federal law requirements.

## **VII. COMPLAINT PROCEDURE**

A volunteer should discuss any complaints with his or her immediate supervisor for the purpose of resolving the matter informally. It is the policy of the Borough of Fair Haven to maintain open lines of communication with all employees and volunteers. Any complaints that are not resolved between the volunteer and the supervisor, may be brought to the attention of the Department Head for additional review and resolution.