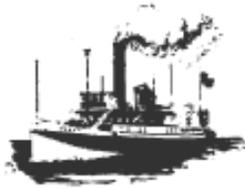


# **Borough of Fair Haven**



## **POLICIES AND PROCEDURE MANUAL**

Last revised July 20, 2010

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## I. Policy and Procedure Manual General Information

### **Policies and Procedure Manual Practices**

This Policies and Procedure Manual is being provided to all current employees of the Borough of Fair Haven to define the personnel policies and procedures of the Borough of Fair Haven. Each current and new employee will be required to sign a form acknowledging the receipt of the Manual. By signing the Acknowledgment Form, current and new supervisors and Department Heads also acknowledge that they have read the Disclaimer contained in the beginning of this Handbook, and that they understand the meaning of the Disclaimer Statement.

The purpose of this manual is to define and clarify the personnel policies and procedures of the Borough of Fair Haven.

Policy: An adopted and approved management approach and attitude toward general handling of matters relating to administration of personnel actions.

Procedure: A detailed method for implementation of a policy.

The Manual will be revised and made available whenever there is a significant change in personnel practice.

### **Applicability**

The policies set forth in this Manual shall apply to all employees of the Borough of Fair Haven unless otherwise governed under an individual contract or a Collective Bargaining Agreement or Departmental Rules and Regulations in which case the individual contract, Collective Bargaining Agreement or Departmental Rules and Regulations shall take precedence.

### **Disclaimer**

This Manual is intended to inform supervisors and Department Heads of the Borough of Fair Haven about the Borough's existing policies and procedures. It is not a contract of employment, nor is it a guarantee of any particular term of employment or other benefits or policies stated in it. Unless otherwise provided by Statute, Ordinance, individual contract or Collective Bargaining Agreement, employment with the Borough is "at-will", which means that both the Borough and the employee retain the right to terminate their employment relationship at any time, with or without cause and with or without notice. This Manual is subject, to review and change by the Borough at any time and for any reason, which change may include additions or deletions. As these changes are adopted, employees will be notified of them in writing and the new policies and/or procedures will be incorporated into this Manual. No agreements contrary to the provisions of the Manual

may be made with individual employees, except with the express written consent of the Borough Council.

## **Content**

This document includes the basic personnel policies and procedures of the Borough of Fair Haven. It should be understood that the Manual is not inclusive of all Borough personnel policies and procedures

## **Review and Update of Policies and Procedures Manual**

*The Borough Administrator will review this Policy and Procedures Manual annually; however, continual review and/or modification will occur as necessary. Revisions approved by the Borough Council will be distributed to all Department Heads for distribution to all employees.*

The Personnel Policies and Procedures Manual, and revisions as issued, shall be made available to all Borough employees. The policies and procedures set forth in this Manual are effective, and will remain in effect until changes are approved and authorized by the Borough Council. Changes of intent, interpretation, and administration of policies and procedures may occur periodically. When such changes occur, amendments and supplements shall be distributed to Department Heads and employees in the form of a Personnel Policy memorandum, along with any applicable ordinance or resolution related to the changes.

## **General Personnel Policy**

It is the policy of the Borough of Fair Haven 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 shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

Employment with the Borough of Fair Haven is based on merit, ability, and fitness, free of personal and political considerations. Open positions are advertised in newspapers, trade magazines, and other areas of public access.

All applicants for vacant positions must complete a job application form approved by the Borough Administrator. All applicants are subject to background criminal investigations as well as illegal drug screenings. Applicants for some positions may also be required to submit to a test(s) and/or examination(s), which are reasonably related to the job for which the application is made. All applicants for the same job shall be subject to the same testing and examination procedures.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough Administrator shall have access to the Borough Attorney appointed by the Borough Council for guidance in personnel matters.

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

The Personnel Policies and Procedures Manual adopted by the Borough Council is intended to provide guidelines covering public service by Borough employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Borough 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.

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known, as “employment at will.” Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. **THIS IS NOT A CONTRACT.**

## **II. Employee Rights and Obligations Policies**

### **Anti-Discrimination Policy:**

The Borough is committed to the principle of equal employment opportunity pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972. Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, disability, or sexual orientation. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Administrator, or the Borough Attorney.

### **Americans with Disabilities Act Policy:**

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Borough does not discriminate based on disability. The Borough 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.

The Borough Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations that do not create a hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. 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, (2) not create a real safety hazard to 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 or Borough Council of Fair Haven as appropriate.

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

The Borough of Fair Haven encourages employees with contagious diseases or life-threatening illnesses such as cancer, heart disease, Hepatitis C and HIV/AIDS to continue their normal pursuits, including work, to the extent allowed by their condition. As in the case of other disabilities, the Borough of Fair Haven shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs as long as they are able to meet acceptable performance standards. Medical information shall be treated confidentially. The Borough of Fair Haven will take reasonable precautions to protect such information from inappropriate disclosure. Administrators 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Borough Administrator.

#### **Safety Policy:**

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

The Borough 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.

### **Transitional Duty Policy:**

The Borough 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 not 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. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The 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 normal department. The Borough Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request and will notify the employee of the decision. The Borough reserves the right to terminate the transitional duty assignment at any time without cause.

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the 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 Borough of Fair Haven reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or

disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

### **Drugs and Alcohol Policy:**

The Borough recognizes that the use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is intoxicated or under the influence of alcohol or drugs during working hours shall be immediately suspended and subject to termination. The supervisor or Department Head will immediately report any suspensions to the Borough Administrator.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the Borough's Employee Assistance Program.)

### **Workplace Violence Policy:**

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

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

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

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

The Borough of Fair Haven will not tolerate harassment in the work place including harassment motivated by sex, race, creed, color, religion, national origin, ancestry, age, nationality, marital or political status, disability or sexual orientation. Borough officials, appointees, Administrators, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to harassment must report the harassment to their supervisor, or if they prefer to the Department Head, Borough Administrator, or the Borough Attorney. See Employee Complaint Policy.

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

As a part of the Anti-Harassment Policy, the Borough of Fair Haven also strictly prohibits sexual harassment including, but is not limited to:

- Making unwelcome sexual advances or requests for sexual favors a condition of employment;
- Making submission to or rejection of such conduct the basis for employment decisions affecting the employee;
- Creating an intimidating, hostile or offensive working environment by such conduct;
- Making unwelcome, offensive remarks or engaging in physical contact with a subordinate or fellow employee that would not have been made but for the employee's sex, or which is sexually oriented to the extent that it would not occur but for the fact of the employee's gender; or
- Harassment based solely on gender, which creates a hostile and offensive work environment.

Sexual harassment may take different forms. One specific form is a demand for sexual favors. Other forms of harassment include, but are not limited to:

- Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats;
- Suggestive objects or pictures, graphic commentaries, E-Mails, suggestive or insulting sounds, leering, whistling, obscene gestures;
- Unwanted physical contact, including touching, pinching, brushing the body, pushing; or

- Non-sexual conduct such as intimidation and hostility based solely upon gender.

Employees who feel they have been subject to sexual harassment must report the harassment to their supervisor, or if they prefer to the Department Head, Borough Administrator, or the Borough Attorney. See Employee Complaint Policy.

**“Whistle Blower” Policy:**

Employees have the right to complain of anything they perceive to be improper. This right shall be communicated to all employees in a letter outlining the specific employee complaint procedure. A written acknowledgement that the employee received this letter will be included in the employee’s official personnel file. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Borough. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. See Employee Complaint Policy. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy. In accordance with the statute, a copy of this policy will be posted in all facilities.

### **Employee Complaint Policy:**

Employees who wish to complain of harassment or any other workplace wrongdoing are requested to immediately report the matter to their supervisor, or, if they prefer to their Department Head, the Borough Administrator, or the Borough Attorney. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. No retaliatory measures shall be taken against any employee who complains of workplace wrongdoing. The Borough will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

### **Grievance Policy:**

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

- **Step One:** Any employee or group of employees with a grievance shall verbally or in written form 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 two working days.
- **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 days working days of the step one decision. After consulting the Borough Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five 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 official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files are confidential records that must be secured in a locked

cabinet and will only be available to authorized Managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Borough Administrator upon reasonable request.

**Conflict of Interest Policy:**

Employees including Borough 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. Violations of this policy will result in appropriate discipline including termination.

The Borough recognizes the right of employees to engage in outside activities that are private nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough'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 Borough Clerk a state mandated disclosure form. The Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.

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

Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

No borough officer or employee shall accept any cash, gift, favor, service, or other thing of value from any vendor or resident which is given or offered to influence the discharge of official duties, or may be reasonably inferred or perceived that such gift or service may influence the discharge of official duties.

Acceptance of any cash, gift, favor, or service may result in immediate dismissal. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

**Political Activity Policy:**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Borough time, supplies, equipment or Borough property in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Borough Administrator, or the Borough Attorney.

**Employee Evaluation Policy:**

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once each 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) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator. Civilian Police employees are subject to Police Rules and Regulations.

**Employee Discipline Policy:**

An employee may be subject to discipline for all of the following reasons:

- Incompetence, inefficiency or failure to perform duties;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Violation of Borough policies, procedures and regulations;
- Falsification of public records including personnel records;
- Violation of Federal, State or Borough regulations concerning drug and alcohol use and possession;
- Chronic or excessive absenteeism or lateness;
- Misuse of public property, including motor vehicles; and
- 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. Civilian Police employees are subject to Police Rules and Regulations.

#### SPECIFIC RULES, CHARGES AND PENALTIES

Accepting bribes or gratuities:

- 1<sup>st</sup> Offense: Dismissal
- 2<sup>nd</sup> Offense: N/A
- 3<sup>rd</sup> Offense: N/A

Failure to report, in writing, offers of bribes or gratuities:

- 1<sup>st</sup> Offense: Reprimand to Dismissal
- 2<sup>nd</sup> Offense: Reprimand to Dismissal
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Involved in a crime of moral turpitude that negatively affects the operation of the Borough:

- 1<sup>st</sup> Offense: Reprimand to Dismissal
- 2<sup>nd</sup> Offense: Reprimand to Dismissal
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Fighting or quarreling with employees or residents:

- 1<sup>st</sup> Offense: Reprimand to 30 days
- 2<sup>nd</sup> Offense: Reprimand to Dismissal
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Using rude or insulting language or conduct to the public:

- 1<sup>st</sup> Offense: Reprimand to 5 days
- 2<sup>nd</sup> Offense: Reprimand to 10 days
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Repeated violations of Department Rules and Regulations, or any other course of conduct indicating that a member has little or no regard for his/her responsibility as an employee of the Borough:

- 1<sup>st</sup> Offense: Dismissal
- 2<sup>nd</sup> Offense: N/A
- 3<sup>rd</sup> Offense: N/A

Intoxication on duty:

- 1<sup>st</sup> Offense: Reprimand to Dismissal
- 2<sup>nd</sup> Offense: Dismissal
- 3<sup>rd</sup> Offense: N/A

Refusal to obey proper orders from a Department Head or Foreman:

- 1<sup>st</sup> Offense: Reprimand to 15 days
- 2<sup>nd</sup> Offense: Reprimand to Dismissal
- 3<sup>rd</sup> Offense: Dismissal

Using profane or insulting language to another employee:

- 1<sup>st</sup> Offense: Reprimand to 10 days
- 2<sup>nd</sup> Offense: Reprimand to 30 days
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Absence without leave:

- 1<sup>st</sup> Offense: Reprimand to 10 days
- 2<sup>nd</sup> Offense: Reprimand to 20 days
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Failure to properly care for assigned equipment and vehicles, damaging same due to neglect:

- 1<sup>st</sup> Offense: Reprimand to 30 days
- 2<sup>nd</sup> Offense: Reprimand to 60 days
- 3<sup>rd</sup> Offense: Reprimand to Dismissal

Unexcused tardiness:

- 1<sup>st</sup> Offense: Reprimand to 5 days
- 2<sup>nd</sup> Offense: Reprimand to 10 days
- 3<sup>rd</sup> Offense: Reprimand to 20 days

Communicating or imparting confidential information either in writing or orally to unauthorized persons:

- 1<sup>st</sup> Offense: Reprimand to dismissal
- 2<sup>nd</sup> Offense: Dismissal
- 3<sup>rd</sup> Offense: N/A

Reading newspapers, books or periodicals while in view of public where it would represent an affront to same:

1<sup>st</sup> Offense: Reprimand to 5 days

2<sup>nd</sup> Offense: Reprimand to 10 days

3<sup>rd</sup> Offense: Reprimand to 20 days

Willfully damaging Borough department property and/or equipment:

1<sup>st</sup> Offense: Reprimand to Dismissal

2<sup>nd</sup> Offense: Dismissal

3<sup>rd</sup> Offense: N/A

Unauthorized press releases and statements:

1<sup>st</sup> Offense: Reprimand to 5 days

2<sup>nd</sup> Offense: Reprimand to 10 days

3<sup>rd</sup> Offense: Reprimand to 20 days

Failure to possess and maintain a current and valid New Jersey State vehicle operators license:

1<sup>st</sup> Offense: Reprimand to Dismissal

2<sup>nd</sup> Offense: Reprimand to Dismissal

3<sup>rd</sup> Offense: Reprimand to Dismissal

### **Employee Termination Policy:**

An employee may be terminated depending upon the circumstances for any of the following:

- Incompetence, inefficiency or failure to perform duties;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Violation of Borough policies, procedures and regulations;
- Falsification of public records including personnel records;
- Violation of Federal, State or Borough regulations concerning drug and alcohol use and possession;
- Chronic or excessive absenteeism or lateness;
- Misuse of public property, including motor vehicles; and
- Other sufficient cause.

All discharges will be in accordance with Federal and State laws as well as applicable collective bargaining agreements. Civilian Police employees are subject to Police Rules and Regulations.

**Resignation Policy:**

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving 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 or with the approval of the Borough Administrator. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Finance Department will conduct an 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 Administrator will also conduct a confidential exit interview to 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:**

Pursuant to N.J.A.C. 4A: 8-1.1 the Borough may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives.

In the event a reduction in the work force is necessary, the Borough is responsible for deciding which functions are to be reduced or discontinued. The determination of those employees affected shall be made in accordance with organizational requirements, skills and experience of incumbents and the length of continuous Borough service.

**II. 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. The Borough Administrator will make copies available upon request.

**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 8:00 AM to 4:00 PM, public works employees are 7:00 AM to 3:30 PM, with summer public works hours of 6:00 AM to 3:30 PM from Memorial Day to Labor Day, Library hours are determined by the Library Commission. The working hours for the

Police Department including civilian Police employees 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 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,) (Fire,) (Water,) (Sanitation,) (Emergency Services) (or) any personnel who may be required to assist in an emergency.

### **Breaks:**

Administrative personnel are entitled to a one (1) hour lunch that is to be arranged by the supervisor so that offices continue to function. Other employees are entitled to a thirty (30) minute lunch break, which will be scheduled by the supervisor. All employees are entitled to a fifteen (15) minute break in the morning and in the afternoon. Administrative personnel must arrange breaks so that offices continue to function. Breaks for other employees will be scheduled by the supervisor. Civilian Police employees are subject to Police Rules and Regulations.

### **Dress Code Policy:**

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, shorts, T-shirts, novelty buttons, and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Body piercings, other than earrings, may not be visible. With the advance approval of the Borough Administrator, the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay. This policy does not apply to Police Officers or civilian Police employees, the Chief of Police and the Department Rules and Regulations govern dress code.

### **Business Casual Day**

The exception to the Dress Code Policy is the incorporation by the Borough of a business casual dress day for office employees one day per week, said weekly day being Friday. On

this day, the Borough dress code shall be relaxed to a minimum of nice jeans with a sweater or button-down shirt, loafers, flats or other more comfortable shoes. Nothing included herein shall be interpreted to allow snow or utility shoes or boots, t-shirts, or shorts, which are expressly prohibited. An exception for sneakers, snow or utility shoes or boots may be made due to the occurrence of winter weather, subject to the approval of the Department Head and the Borough Administrator.

### **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 has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and such locations as not to allow the re-entry of smoke into building entrances, a minimum of 25 feet from doorways and intakes. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

### **Use of Vehicles Policy:**

Borough owned vehicles shall be used only on official business and all passengers must be on Borough business. (An employee who is also employed by another governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough and the other jurisdiction.)

Vehicles may be taken home only with the advance approval of the Borough Administrator except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action. Police, Fire and EMS vehicles are not covered under this policy.

### **Telephone Usage Policy:**

Borough telephones are for official business, personal call should be kept to a minimum and may be required to be reimbursed. No 900 or charge calls shall be made on Borough phones.

### **E-Mail, Voice Mail and Internet Usage Policy:**

Borough E-mail, voice mail and the Internet are for official business and use for non-business purposes is prohibited. All E-Mail, voice mail and Internet messages are official documents subject to the provisions of the Access to Public Records Act.

The Borough reserves the right to monitor, obtain, review and disclose all E-Mail, voice mail and Internet messages for lawful and legitimate reasons. By using Borough E-Mail, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information.

**Bulletin Board Policy:**

The bulletin boards located in the Borough 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.

**Confidential Information:**

No official or employee shall knowingly disclose confidential information without proper authorization concerning the government, personnel, property or affairs of the Borough, nor shall he or she use such information to advance the financial or other private interests of himself or herself or others.

**III. 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. Civilian Police employees are subject to Police Rules and Regulations.

**Paid Holiday Policy:**

Full time employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day

- Veteran’s Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ Day Christmas Eve
- Christmas Day

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

A half day holiday shall be defined as working the first four hours of the scheduled work day and the remainder of the day observed as a holiday.

**Vacation Leave Policy:**

Vacation is an accrued benefit based on the following schedule for employees hired prior to August 10, 2010:

- After completion of one (1) year and up to and including five (5) years of full time service. 10 working days per year
- After the completion of five (5) years of service up to nine (9) years of full time service. 15 working days per year
- After the completion of nine (9) years of service and through the twentieth (20) years. 1 additional day each year of service up to a maximum of 29 working days

Vacation is an accrued benefit based on the following schedule for employees hired after August 10, 2010:

- After completion of one (1) year and up to and including seven (7) years of full time service. 10 working days per year
- After the completion of seven (7) years of service up to fourteen (14) years of full time service. 15 working days per year
- After the completion of fourteen (14) years of service . 1 additional day each year of service up to a maximum of 20 working days

Vacation shall be taken at such times and for such terms as the Department Head determines, with approval of the Administrator, shall be in the best interests of the Borough. Vacation taken in half day increments shall be defined as working four hours

with the remaining hours observed as vacation time. Requests for vacation shall be made two weeks prior to vacation leave request and requests for vacation time for more than two consecutive weeks must have Department Head and Administrator approval. No monetary compensation will be paid by the Borough for unused vacation time.

Vacation should be taken during the calendar year in which it is earned. In the event that the duties of the employee prevent the using of the full vacation entitlement, a maximum of one year of unused vacation leave may be carried forward into the next quarter of the succeeding year, and only with the prior approval of the Administrator.

The Mayor and Council reserve the right to negotiate vacation allotments for employees hired to fill the position of a Department Head.

### **Leave - Crossing Guards**

All crossing guards shall be granted a maximum of five (5) days per calendar year to be used for sick time, vacation, and personal time. Should an employee covered under this section exceed the maximum amount of leave time granted, an employee will have pay deducted from his/her pay check on a one to one basis.

### **Personal Leave Policy:**

Full time employees are entitled to (3) personal days per year and any unused days are forfeited at the end of each calendar year. Personal time can be taken in ½ day increments; prior notification is requested but not required. Half day increments are defined as working four hours within the scheduled work day and observing the remaining hours as personal time.

### **Sick Leave Policy:**

Full time employees are entitled to fifteen (15) working days of sick leave per calendar year, employees in the first year of employment are subject to sick days being prorated. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member or with the approval of the Borough Administrator. Employees absent on sick leave for three or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, a doctor's verification of that individual is required. After the tenth day of absence or sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Borough may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

An employee is entitled to accumulate sick days up to a total of 30 days ("Accumulated Sick Days") to be used in the event of illness. Any employee who has been employed by the

Borough for at least five (5) consecutive years and who leaves employment in good standing shall be entitled to payment for any Accumulated Sick Days at the rate of \$50.00 per day.

Accumulated Sick Days Existing prior to 2005 - Employees who have accrued more than 30 Accumulated Sick Days prior to 2005 ("Existing Accumulated Sick Days") will be entitled to use such Existing Accumulated Sick Days in the event of illness. Any employee who has been employed by the Borough for at least five (5) consecutive years and who leaves employment in good standing shall be entitled to payment for any Existing Accumulated Sick Days at the rate of \$50.00 per day, with a maximum payment, regardless of the total number of Existing Accumulated Sick Days, of \$12,500.00.

### **Bereavement Leave Policy:**

Full time 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 five (5) consecutive calendar days immediately following the death of a family member without the approval of the Borough Administrator. "Immediate relative" includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, 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. Employees are entitled to two (2) paid day's leave of absence for each non-immediate relative including brother-in-law, sister-in-law, aunt and uncle, legal guardian, ward, niece, and/or nephew.

### **Jury Duty Policy:**

An 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.

### **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.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be

impacted. Refer to the Borough Health Benefits Policy. 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.

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

Employees who have been employed full time for at least twelve continuous months and have worked at least 1,000 base hours, excluding overtime, in the preceding twelve month period, are eligible for family and medical leave with no loss of position or pay rate. However, employees on such leave will not continue to accrue vacation days, sick days, personal days or longevity. Employees taking family or medical leave under this section continue to be eligible for paid health insurance coverage under the Borough policy.

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

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

### **Military Leave Policy:**

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

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

## **Maternity Leave**

Permanent full-time employees of the Borough are eligible for an unpaid leave of absence for maternity as set forth in Federal/State guidelines. The leave shall be taken at a time determined by the employee in conjunction with and confirmed by written verification from the physician.

Employees who have accumulated vacation time, sick time, or compensatory time may use such time for maternity purposes prior to or immediately following such leave.

The procedures for Maternity Leave are as follows:

- A. The employee shall submit a written request for Maternity Leave, together with verification by her physician, to her Department Head (4) months before the intended leave.
- B. The Borough Administrator shall give written notice to the employee that her request for leave of absence for maternity has been approved by the Mayor and Council. Such notification shall indicate the inclusive dates of the leave.
- C. If an employee desires to return from Maternity Leave, prior to the originally scheduled return date, an employee shall submit a written request to the Mayor and Council, 30 days prior to return.
- D. If extended leave (more than six (6) months) is required, the employee Should submit a written request to the Borough Administrator.

## **IV. 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 twice a month on the 15<sup>th</sup> and 30<sup>th</sup> of each month. Should the 15<sup>th</sup> or 30<sup>th</sup> of a month fall on a weekend or holiday, the payment will be made on the business day immediately preceding the weekend or holiday.

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

### **Overtime Compensation Policy:**

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the provisions of the Act. The Borough Administrator, Police Chief or Department Head shall notify all Exempt employees of their status under the Act. Exempt Employees include all department heads and executive staff members. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Borough Council's prior approval and at the sole discretion of the Borough Administrator.

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. Non-exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty. 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.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-quarter 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.

(In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.) (If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of 2 hour(s) for each hour worked less the number of hours of overtime compensation received under any other provision of the policy.) (If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the

employee will receive overtime compensation of the greater of (1) 2 hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.)

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.

**Health Insurance Policy:**

Full time employees and their immediate family members are provided health insurance coverage as outlined by the Borough of Fair Haven. The complete benefit plan(s) are on file in the Borough Finance office and a Summary Plan Description will be provided to all employees. Benefit levels for employees are subject to change at the discretion of the Borough. The Borough charges a 20% co-pay for the cost of dependent coverage for all active employees or the amount established by the State of New Jersey, which ever is greater.

Health insurance coverage for employees on a Leave of Absence or who cease Borough 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 for themselves or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months.

**Retired Health Insurance Policy:**

The Borough will provide retired health benefits to the employee only upon retirement with the following conditions:

Required Age	Required years of service to Fair Haven
55	25
62	20
65	15

Chapter 88 - The Borough will grandfather under the provisions of Chapter 88 any existing employee with 20 years or more in the pension system prior to 2005.

Note - The Borough reserves the right to establish additional conditions in the future, including provision of a co-pay.

### **Dental Benefits Policy:**

Employees with the Borough of Fair Haven and their dependents are covered under the dental plan provided by the Borough of Fair Haven.

### **Policy for Those Who Elect Not to Participate in the Health Insurance/Dental Programs**

Effective January 1, 2010, if an employee chooses not to be enrolled in any of the health/dental plans, said employee shall be entitled to receive a stipend equivalent to 25% of the average of the available family plans. If an employee chooses not to participate in coverage, he/she must provide proof of additional coverage outside of their employment. The employee must inform the Borough Chief Financial Officer in writing of the decision to not participate in the health insurance program. The stipend shall be provided to the employee quarterly.

An employee can be enrolled after not having been enrolled in a health/dental plan if he/she so chooses; however, said employee is not entitled to the above referenced allotment if he/she is covered by the insurance for any amount of time during the calendar year. Furthermore, upon submitting the necessary paperwork for application to a health plan, an employee will experience a lag period of up to sixty days prior to actually being enrolled in the plan, should the application be approved.

### **Retirement Policy:**

Under State law, all employees must enroll in the New Jersey Public Retirement System, the Police and Fire Fighters Retirement System, or the Defined Contribution Retirement Program 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 employer 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.

### **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 covers workers compensation benefits (through its membership in a joint insurance fund). Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by (the joint insurance fund) and payment for unauthorized medical treatment may not be covered pursuant to the Act.

The eligible employee will be provided with income and benefits at the rate established by the New Jersey Workers Compensation Act. This amount is not necessarily equivalent to the salary earned when reporting to work.

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

Subject to sufficient funds in the budget and upon approval of the Department Head, employees may apply for tuition expenses to be incurred for training, continuing education units necessary for certification or college courses 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 are strongly urged to obtain this determination before enrolling in a course or program. The Employee is required to reimburse the Borough for any tuition expenses paid for courses not successfully completed. A copy of the course completion must be provided to the Borough Administrator upon conclusion of the class or training to be included in the Employee's personnel file.

### **Conference and Seminar Policy:**

Requests to attend a conference or seminar must be approved by the Department Head and 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.

### **Anniversary Date**

For purposes of determining an effective Anniversary date for salary and benefit increases, an employee hired prior to January 1, 1990 will have their effective date of hire calculated from January 1, of the year of their actual hire.

For employees hired after January 1, 1990, the date used for the purpose of determining the aforementioned salary and benefit increases will be January 1, of the year in which hired, if the employee is hired between January 1, and June 30, inclusive of that year. For employees hired after January 1, 1990 whose hire date falls from July 1, to December 31, inclusive, the effective date of hire will be January 1, of the next succeeding year.

All sick, vacation and personal time will be prorated from the date of hire and earned on a prorated basis.

### **Longevity**

As of May 24, 2004 employees are no longer entitled to longevity.

### **Call in Pay**

Employees called in or called back outside of their regular scheduled shift, shall be guaranteed a minimum of two (2) hours at the rate of time and one half their regular hourly rate. In addition, employees shall be entitled to payment at the rate of time and one half for hours actually worked in excess of two (2) hours.

This benefit does not relate to Supervisory personnel who are exempt from overtime provisions.

### **Hours of Work**

The Borough of Fair Haven Municipal Building is open for business from 8:00 A.M. to 4:00 P.M., Monday through Friday.

Employees in the Public Works Department shall work from 7:00 A.M. to 3:30 P.M., Monday through Friday. Summer hours may be followed with a start time of 6:00 am ending at 2:30 pm beginning Memorial Day through Labor Day.

Hours for the Fair Haven Library shall be in accordance with policy set by the Library Board.

The Borough shall have the right, for the efficient operation of its facilities, to make changes in starting and stopping time of the daily work schedule, and to vary the daily or weekly work schedule.

Hours of work for full time Borough Employees are as follows:

Administrative and Clerical	35 - 40 hours per week
Library	35 - 40hours per week
Public Works Department	In accordance with terms of current contract

Police

In accordance with terms of  
current contract

\*Borough Employees who work additional Borough hours in a different capacity shall be compensated per separate agreement.

Employees are allowed two rest periods or coffee breaks a day; one in the morning and one in the afternoon. Break shall be scheduled by the Department Head, and shall not last longer than (15) minutes each. Civilian Police employees are subject to Police Rules and Regulations.

Hours for part-time employees shall be set by the Mayor and Council or Borough Administrator.

## V. Managerial/Supervisory Procedures:

### Employment Procedure:

- **Recruitment:** The Borough Administrator in conjunction with the Borough Attorney will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal and equal opportunity 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 Fair Haven 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.
- **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. Reasonable accommodations must be made for disabled applicants.
- **Physical Examinations:** The Borough Administrator may require applicants, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The Borough Administrator may require periodic

physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. 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.

- **Job Offers:** The final decision will be made by the Borough Council of Fair Haven and Borough Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant to the Americans with Disabilities Act. 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.
- **Acceptances and Rejections:** If the first offer is rejected, the Borough Council of Fair Haven and 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.
- **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 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.

#### **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.

### **Open Public Meetings Act Procedure concerning Personnel Matters:**

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

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

All new regular full-time and regular part-time employees will be scheduled to meet with the Borough Administrator and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required safety training.

### **Initial Employment Period Procedure:**

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less 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 if the Borough Administrator

concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the initial employment period. (Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.)

### **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 once each year. The completed appraisal becomes part of an employee's permanent record. This is a legal document that is discoverable in lawsuits.

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

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

*Outstanding* means exceptional performance in all areas of responsibility. Planned objectives were achieved well above the established standards and accomplishments were made in unexpected areas.

*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.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be included in the employee’s official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

### **Disciplinary Action Procedure:**

All employees are expected to meet the Borough’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’s policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Borough’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:

- **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 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, the Borough Administrator will make the decision and may seek the advice of the 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 and the Borough Council of Fair Haven will make the decision only after seeking the advice of the 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 .

#### **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;
- 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 Attorney must report all written or verbal complaints to the Borough Administrator unless the 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 Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney 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 the Borough Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough 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.
- **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 Borough Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

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

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

In response to a request for information, the employer 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 is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.

### **Continuing Education Procedure:**

The Borough, in conjunction with the Borough Attorney will arrange for employment practices seminars at least annually to train all Managerial/supervisory personnel. The Borough 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 employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

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

## Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of the Borough of Fair Haven's Personnel Policies and Procedures Manual revised August 9, 2010. 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 the Borough of Fair Haven is an "at will" employer and consistent with applicable Federal and State law (including the New Jersey Civil Service Act), (as well as applicable bargaining unit agreements), employment with the Borough of Fair Haven 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 Fair Haven has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states the Borough of Fair Haven'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 Fair Haven 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: \_\_\_\_\_