ORDINANCE 2011-24

An Ordinance Establishing Procedures to Adopt Personnel Practices and authorizing the Township Administrator to implement Said Practices with all Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the Township of Ocean

BE IT ORDAINED by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey that:

Section 1. The Township Committee has previously established by ordinance, titles for public employment by the Township of Ocean, salary ranges for Township employees and certain Personnel Policies.

Section 2. The Township Committee of the Township of Ocean wishes to insure that changes and amendments with respect thereto may be adopted by resolution from time to time, including personnel policies and procedures, rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the township of Ocean.

Section 3. The Township Administrator shall be responsible to implement and enforce the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In addition, any existing Personnel Ordinance, which is not or has not been amended, restated or changed pursuant to any newly adopted Personnel Policies and Procedure Manual authorized by resolution, shall remain in full force and effect unless and until said policy or procedure is amended by resolution. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

Section 4. The following sections are hereby repealed:
2.108.040
2.108.090
2.108.050
2.108.540
2.108.400
2.108.550
2.108.310
2.108.380
2.108.100
2.108.320

2.108.120
2.108.070
2.108.170
2.108.450
2.108.390
2.108.260
2.108.270
2.108.290
2.108.020
2.108.160
2.108.170
2.108.320
2.108.130
2.108.470

Section 5. This ordinance shall take effect immediately upon passage and publication as required by law.

Section 6. If any section, subsection, clause or phrase herein is held unconstitutional by any court of competent jurisdiction, then and in that event such invalidity shall only affect the section, subsection clause or phrase so determined and shall not affect the validity of the remaining provisions of this ordinance.

Township of Ocean

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

2011

The Municipality is an Equal Opportunity Employer.

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GENERAL PERSONNEL POLICY:*

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

All employees, officers and Department Heads shall be appointed and promoted by the Township Committee or Township Administrator. No person shall be employed or promoted unless there exists a position created by a resolution adopted by the Township Committee as well as the necessary budget appropriation and salary resolution.

The Township Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Township administrator shall also have access to the Townships' Employment Attorney/Labor Counsel and or Township Attorney appointed by the Governing Body for guidance in personnel matters.

As a general principle, the Municipality has a "no tolerance" policy towards workplace wrongdoing. Municipality officials, employees and independent contractors are to report anything perceived to be improper. The Municipality believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Township Administrator, or the Employment Attorney/Labor Counsel or Township Attorney concerning any problem.

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

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

SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy:*

The Municipality is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Municipality discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. This Policy however does not change or alter the "employment-at will" nature of the relationship between the Township and the 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 the township Administrator or the Employment Attorney/Labor Counsel or township Attorney.

Americans with Disabilities Act Policy:*

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Municipality does not discriminate based on disability. The Municipality will endeavor to make every work environment handicap assessable 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.

It is the policy of the Municipality to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose under hardship on the Municipality.

The Township administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard

to reasonable accommodation shall be made by the Township Attorney. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Municipality to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Contagious or Life Threatening Illnesses Policy:*

The Municipality encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Municipality shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of their job and also provided that the accommodation does not impose an unreasonable hardship on the Municipality.

The Municipality will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

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

Managers and other employees have a responsibility to maintain the confidentially of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Safety Policy:

The Municipality will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Municipality 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. Any on-the-job accident or accident involving Municipality facilities, equipment or motor vehicles must also be immediately reported to the supervisor.

The Municipality 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 Municipality 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 Township 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 Township Administrator will consult with the Supervisor 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 Township Administrator will decide if it is in the best interest of the Municipality to approve a transitional duty request and will notify the employee of the decision. The Municipality 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 Township Administrator who will render a written response within Two business days..

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 Township Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Township 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 Municipality 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 Municipality recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor to be intoxicated or under the influence of alcohol or drugs during working hours or is under the reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or will immediately report any reasonable suspicions to the Township Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intox~~i~~fication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Municipality premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace. ~~in the workplace.~~

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Municipality 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 Municipality's Employee Assistance Program.)

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Municipality property or while performing Municipality business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Workplace Violence Policy:*

The Municipality 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 Municipality property, at Municipality events or under other circumstances that may negatively affect the Municipality's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Municipality property or while on Municipality business except with the Municipality 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 Municipality will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:*

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

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

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or

who observes harassment of an employee by a non-employee should report such harassment to his or her supervisor. Appropriate action will be taken against any non-employee.

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

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

Anti-Sexual Harassment Policy:*

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

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

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

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

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

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

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

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

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Municipality generally. The Municipality cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

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

"Whistle Blower" Policy:*

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

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

- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; 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 Municipality. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the Municipality 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.

Employee Complaint Policy:*

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should-immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Township Administrator, or the Employment Attorney/Labor counsel or Township Attorney. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report of an incident.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Municipality. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five 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 communicate the grievance to the supervisor who will discuss the matter with the Township Administrator. The supervisor 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 Township 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 supervisor and the Employment Attorney/Labor counsel or Township Attorney as appropriate, the Township 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 Township Clerk. 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 Township Administrator or his/her designee upon reasonable notice.

Conflict of Interest Policy:*

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

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

A potential or actual conflict of interest occurs whenever an employee including a Municipality official is in a position to influence a Municipality 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 Municipality 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 Township Administrator or the Township Attorney to obtain clarification.

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

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Municipality duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Municipality or any person or firm seeking to influence Municipality decisions. Meals and other entertainment valued in excess of $ 25 are also prohibited. Employees are required to

report to the Township 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 Municipality time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Township Administrator, or the Township Attorney.

Employee Evaluation Policy:*

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

Employee Discipline Policy:*

An employee may be subject to discipline for <u>any of</u> the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and<u>/or</u> visitors.
- Theft or attempted theft of property belonging to the Municipality, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Municipality property at any time.

- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or or marijuana) on Municipality property and at any time during work hours.

- Possession, sale, transfer or use of intoxicants or illegal drugs on Municipality property and at any time during work hours.

- Insubordination.

- Entering the building without permission during non-scheduled work hours.

- Soliciting on Municipality premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.

- Careless waste of materials or abuse of tools, equipment or supplies.

- Deliberate destruction or damage to Municipality or suppliers' property.

- Sleeping on the job.

- Carrying weapons of any kind on Municipality premises and/or during work hours, unless carrying a weapon is a function of your job duties.

- Violation of established safety and fire regulations.

- Unscheduled absence, and chronic or excessive absence.

- Chronic tardiness.

- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.

- Defacing walls, bulletin boards or any other Municipality or supplier property.

- Failure to perform duties, inefficiency or substandard performance.

- Unauthorized disclosure of confidential Municipality information.

- Gambling on Municipality premises.

- Horseplay, disorderly conduct and use of abusive and/or obscene language on Municipality premises.

- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Municipality rules or policies.
- Conduct unbecoming a public employee.
- Violation of Municipality policies, procedures and regulations.
- Violation of Federal, State or Municipality laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

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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 may be entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the Municipality believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

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

Neither this manual nor any other Municipality guidelines, policies or practices create an employment contract. Employment with Municipality may be terminated at any time with or without cause or reason by the employee or Municipality.

Work Force Reduction Policy:*

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

Driver's License Policy:*

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

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

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

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

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

Job Description Policy:*

All job descriptions must be approved by the Township Administrator. Copies will be available upon request.

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

Municipality 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 public records subject to possible disclosure to the public pursuant to the provisions of the Open-Public Records Act.

The Municipality reserves the right to monitor, obtain, review and disclose all E-Mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Municipality as deemed necessary and appropriate. By using Municipality E-Mail, computer systems, voice mail and the Internet, each user agrees that the Municipality has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, computer systems, 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. E-Mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images, or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release, and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisor as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flight from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular

phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator.

Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of Ocean Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of Ocean township.

Bulletin Board Policy:*

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

Leave of Absence Policy:*

Employees may be granted a personal leave of absence for up to 30 days at the sole discretion of the Township 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 Township Administrator may extend a leave of absence for an additional 30 days, if such extension is considered in the best interests of the Municipality. If personal leave is requested for more than 30 days, same must be approved by the Township Committee.

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 Municipality Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Municipality. 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 may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Municipality; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

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

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, 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 Municipality reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the (CEO Title).

Military Leave Policy:*

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. (Thereafter, the leave shall be without pay but without loss of time.) or (Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary.) The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty days calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the (local unit type) group plan by taking advantage of

the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

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

Employment Procedure:*

- **Recruitment:** The Township Administrator 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 Supervisor to notify the Township Administrator who, when directed to do so by the governing body, will distribute notification of the vacancy to all departments. The Township Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law if the Township committee has determioned they wish to fill the position. Where positions are advertised, same must prominently state that the Municipality is an equal opportunity employer.

- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

Interviews: The Township Administrator will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Municipality will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of his or her job and also provided the accommodation does not impose an unreasonable hardship on the Municipality.

- **Physical Examinations**: Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Township Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Township 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 Municipality at the expense of the Municipality. All medical records of employees and prospective employees are confidential and are to be maintained by the Township Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Job Offers:** The final decision will be made by the Township Committee, who may delegate this responsibility to the Township Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not

impose an unreasonable hardship on the Municipality. 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 Township Committee or township 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 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 Township Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

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Open Public Meetings Act Procedure concerning Personnel Matters:*

Discussions by the Governing Body or any body of the Municipality 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 Municipality concerning such matters, the Clerk shall notify the affected person(s), within a reasonable period of time, 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 Municipality 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 Township Administrator or his/her designee, on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Township Administrator for inclusion in the employee's official personnel file. The orientation will include:

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

Initial Employment Period Procedure:*

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 one month or more than 12 months, as determined by the Township 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 Township Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Township administrator may extend the initial employment period.

Nothing in the procedure set forth in this section shall alter Municipality's employment at will policy. Employment with Municipality is at will and may be terminated at any time with or without cause or notice by the Municipality or the employee."

Employee Handbook Procedure:*

The township Administrator with the assistance of the Employment Attorney/Labor Counsel or Township Attorney, shall draft an Employee Handbook for the approval of the Township Committee. A separate portion or version of the Handbook will be drafted for part-time and seasonal employees. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice.

Performance Evaluation Procedure:*

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

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors 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.

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

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

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

Disciplinary Action Procedure:*

All employees are expected to meet the Municipality'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 Municipality's policies and procedures and other disciplinary problems.

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

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the

employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Township Administrator for the employee's official personnel file.

- **Townshiop Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Administrator, the employee will be so advised and a meeting arranged with the 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 Township 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 Township Administator for the employee's official personnel file.

- **Suspension:** Whenever an employee is recommended for suspension, the Township Administrator will make the decision and may seek the advice of the Employment Attorney/Labor counsel or township Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.

- **Dismissal:** Whenever an employee is recommended for dismissal, the Township Committee, or if designated to do so, the Townshiop Administrator, will make the decision only after seeking the advice of the Employment Attorney/Labor Counsel or Township Attorney.

Personnel File Procedure:*

The official personnel files shall be maintained by the Township Clerk and employee medical information will be maintained in a separate file. At least annually, the Township Administrator should review files to make sure they are up-to-date.
The Official file may 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, or Employment Attorney/Labor Counsel or Township Attorney must report all written or verbal complaints to the township Administrator unless the complaint is against the Administrator. Upon receipt, the Township 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 after receiving the complaint, the Township Administrator or investigator appointed by the township Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Township 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 Township Adminjistartor will seek the advice of the Employment Attorney/Labor Counsel or Township Attorney when planning the investigation. The investigation should be conducted by the Labor Counsel or Township 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 Township Administrator will discuss the conclusions with the Labor counsel or Township 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 Municipality 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 Township Administrator will formulate with the advise of the Labor Counsel or Township 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 Township Administrator. No employee may issue a reference letter without the permission of the Administrator. Under no circumstances should any information be released over the phone.

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

Continuing Education Procedure:*

The Municipality, in conjunction with the Labor Counsel or Township Attorney will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Municipality 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 Municipality 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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at a meeting held on the 1st day of November, 2011. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 8th day of December, 2011, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

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Diane B. Ambrosio, RMC
TOWNSHIP CLERK