

April 15, 2002
July 17, 2003
August 18, 2005
December 15, 2005
March 17, 2011
June 16, 2011
April 19, 2012
September 19, 2013
April 28, 2014
April 16, 2015
May 9, 2016
September 15, 2016
September 13, 2018
September 13, 2018-A
October 25, 2018
April 12, 2019
February 17, 2022
February 15, 2024

BOROUGH OF KINNELON

**PERSONNEL POLICY MANUAL
AND EMPLOYEE HANDBOOK**

**THE BOROUGH OF KINNELON IS AN EQUAL
OPPORTUNITY EMPLOYER, M/F**

TABLE OF CONTENTS

	<u>Page No.</u>
CHAPTER 1 - INTRODUCTION	1
CHAPTER 1.01 - PURPOSE OF MANUAL	1
CHAPTER 2 - BOROUGH OF KINNELON	3
CHAPTER 2.01 - COMMUNITY PROFILE AND DESCRIPTION OF ORGANIZATION	3
CHAPTER 2.02 - ORGANIZATION CHART	4
CHAPTER 3 - EMPLOYMENT WITH THE BOROUGH OF KINNELON	5
CHAPTER 3.01- DEFINITIONS	5
CHAPTER 3.02 - ANTI-DISCRIMINATION POLICY	5
CHAPTER 3.03 - AMERICANS WITH DISABILITIES ACT POLICY/NEW JERSEY PREGNANT WORKER'S FAIRNESS ACT	6
CHAPTER 3.04 - RECRUITMENT/SELECTION/APPOINTMENT	7
CHAPTER 3.05 - ORIENTATION OF NEW EMPLOYEES	8
CHAPTER 3.06 - INITIAL EMPLOYMENT PERIOD PROCEDURE	8
CHAPTER 3.07 - CLASSIFICATION/COMPENSATION	9
CHAPTER 3.08 - CHANGES IN EMPLOYMENT STATUS/RESIGNATION	10
CHAPTER 3.09 - EMPLOYEE DISCIPLINE POLICY	10
CHAPTER 3.10 - DISCIPLINARY ACTION PROCEDURE	13
CHAPTER 3.11 - GRIEVANCES	14
CHAPTER 3.12 - EMPLOYEE COMPLAINT POLICY	14
CHAPTER 3.13 - EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE	15
CHAPTER 3.14 - EMPLOYEE EVALUATION POLICY	16
CHAPTER 3.15 - PERFORMANCE EVALUATION PROCEDURE	16
CHAPTER 3.16 - ACCESS TO PERSONNEL FILES POLICY	18
CHAPTER 3.17 - PERSONNEL FILE PROCEDURE	19
CHAPTER 3.18 - REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURE	20
CHAPTER 3.19 - BULLETIN BOARD POLICY	21
CHAPTER 3.20 - CRIMINAL HISTORY RECORD BACKGROUND CHECK	21
CHAPTER 3.21 - OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS	22
CHAPTER 3.22 - CONTAGIOUS OR LIFE-THREATENING ILLNESS POLICY	22
CHAPTER 3.23 - DRIVER'S LICENSE POLICY	23
CHAPTER 3.24- CONTINUING EDUCATION PROCEDURE	24
CHAPTER 3.25- CHANGING VITAL INFORMATION	24
CHAPTER 4 - EMPLOYEE BENEFITS	25
CHAPTER 4.01 - HEALTH /VISION/MEDICAL CARE BENEFITS	25
CHAPTER 4.02 - PENSION PLAN	26
CHAPTER 4.03 - LIFE INSURANCE	27

CHAPTER 4.04 -	WORKERS COMPENSATION	28
CHAPTER 4.05 -	UNEMPLOYMENT COMPENSATION	29
CHAPTER 4.06 -	DISABILITY BENEFITS	29
CHAPTER 4.07 -	EDUCATIONAL BENEFITS	29
CHAPTER 4.08 -	FLEXIBLE SPENDING ACCOUNT	30
CHAPTER 5 -	LEAVE OF ABSENCE POLICY	31
CHAPTER 5.01 -	REQUESTS FOR LEAVE	31
CHAPTER 5.02 -	HOLIDAYS	31
CHAPTER 5.03 -	VACATION	32
CHAPTER 5.04 -	SICK LEAVE	34
	(FULL TIME AND PART-TIME EMPLOYEES)	
CHAPTER 5.05 -	SICK LEAVE	36
	(TEMPORARY PART-TIME EMPLOYEES)	
CHAPTER 5.06	PERSONAL DAYS	37
CHAPTER 5.07 -	BEREAVEMENT LEAVE	37
CHAPTER 5.08 -	FAMILY AND MEDICAL LEAVE ACT POLICY	38
CHAPTER 5.09 -	MILITARY LEAVE POLICY	41
CHAPTER 5.10 -	JURY DUTY LEAVE	41
CHAPTER 5.11 -	SEQUENTIAL MULTIPLE ANALYSIS TEST (SMAC)	42
CHAPTER 5.12 -	DOMESTIC VIOLENCE LEAVE	42
CHAPTER 5.13-	EMPLOYEE AND RETIREMENT SICK TIME	43
CHAPTER 6 -	WORK SCHEDULE	44
CHAPTER 6.01 -	ATTENDANCE & PUNCTUALITY	44
CHAPTER 6.02 -	OVERTIME	45
CHAPTER 6.03 -	LUNCH/COFFEE BREAKS	45
CHAPTER 6.04 -	PERSONAL BUSINESS	46
CHAPTER 6.05 -	EMERGENCY CLOSING OF OFFICES	46
CHAPTER 6.06 -	EMERGENCY SERVICE VOLUNTEER WORK	46
CHAPTER 6.07 -	OTHER EMPLOYMENT	46
CHAPTER 6.08 -	TIMESHEETS	47
CHAPTER 7 -	EMPLOYEE CONDUCT/RIGHTS	48
CHAPTER 7.01 -	CONFLICT OF INTEREST POLICY	48
CHAPTER 7.02 -	POLITICAL ACTIVITY	49
CHAPTER 7.03 -	WORKPLACE VIOLENCE	49
CHAPTER 7.04 -	GENERAL ANTI-HARASSMENT POLICY	50
CHAPTER 7.05 -	ANTI-SEXUAL HARASSMENT POLICY	50
CHAPTER 7.06 -	“WHISTLE BLOWER” POLICY	52
CHAPTER 7.07 -	DRESS CODE POLICY	53
CHAPTER 7.08 -	TELEPHONE PROTOCOL	54
CHAPTER 7.09 -	REIMBURSEMENT FOR EXPENSES	54
CHAPTER 7.10 -	DRUGS AND ALCOHOL POLICY	54
CHAPTER 7.11 -	MEDICAL MARIJUANA	56
CHAPTER 7.12 -	COMMUNICATION MEDIA POLICY/SOCIAL MEDIA POLICY	56

CHAPTER 7-13-	USE OF INTERNET	60
CHAPTER 7-14-	NEPOTISM	62
CHAPTER 7-15-	EMPLOYEE DATING POLICY	62
CHAPTER 7.16-	ANTI-RECORDING POLICY	63
CHAPTER 7.17-	SECURITY POLICY	64
CHAPTER 7.18-	SAFE TREATMENT OF MINORS	65
 CHAPTER 8 - MUNICIPAL FACILITIES AND EQUIPMENT		
CHAPTER 8.01 -	BUILDING SECURITY	65
CHAPTER 8.02 -	SAFETY POLICY	66
CHAPTER 8.03 -	USE OF BOROUGH VEHICLES, EQUIPMENT/SUPPLIES	66
CHAPTER 8.04 -	SMOKE-FREE BUILDINGS	68
CHAPTER 8.05 -	VIDEO SURVEILLANCE	68
 APPENDIX A -		
	RECEIPT FOR PERSONNEL POLICY	
	MANUAL AND EMPLOYEE HANDBOOK	

Chapter 1

INTRODUCTION

DISTRIBUTION OF PERSONNEL POLICY MANUAL

This Personnel Policy Manual and Employee Handbook (“Manual”) is an internal document to be distributed to all Borough employees by the Business Administrator. (*In all instances where the Business Administrator is referenced, if the office of the Business Administrator is vacant the Borough Clerk is responsible.) The Borough Administrator shall distribute this Manual to all Borough employees as set forth herein. Each Borough employee is responsible for the Manual assigned to him/her. Upon receipt of the Manual, each employee shall acknowledge receipt and review of the Manual by returning a signed “Receipt for Personnel Policy Manual” form to the Business Administrator. A copy of said receipt is attached to this Manual at Appendix G. Should the office of Business Administrator* be vacant, the Receipt form should be returned to the Borough Clerk. All signed Receipt forms shall be filed with and retained by the Borough Clerk.

REVIEW AND UPDATE OF MANUAL

This Manual, dated September 13, 2018, was approved in its entirety via Resolution No. _____ which was adopted by the Borough Council on September 13, 2018. All revisions to this manual shall be enacted by Resolution by the Borough Council. Upon adoption of said Resolution, the Business Administrator shall revise the affected portions of the Manual and distribute the revised and updated page(s) of the Manual to all employees. The Business Administrator or Borough Clerk shall maintain a log of all revisions and updates to the Manual.

The Borough Council Personnel Committee shall review the Manual annually for revisions or updates to the Manual and recommend said revisions or updates (if any) to the Borough Council.

Chapter 1.01

PURPOSE OF MANUAL

Purpose of Manual: The purpose of this Manual is to inform Borough employees, including the Board of Health, of their rights, personnel policies, rules and regulations. It is the policy of the Borough of Kinnelon to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough of Kinnelon shall apply to all employees, volunteers, elected officials, appointed officials and independent contractors. The Borough Police Officers are covered under a separate collective bargaining agreement and Standard Operation Procedures (SOP) and are excluded except where the agreement and the SOP are silent. The Borough Department of Public Works is covered by a separate collective bargaining agreement and is excluded except where the agreement is silent. This Manual does not apply to the Kinnelon Public Library which operates under separate but similar policy.

The policies contained in this Manual are not intended to void, replace or conflict with state or federal laws, or with labor contracts, all of which supersede local policies and practices. When a contract is silent on a particular issue, the policy, procedure and/or guideline contained in this Manual shall be in force. An employee who violates policies or procedures contained in this Manual may be subject to disciplinary action.

This Manual adopted by the Governing Body of the Borough of Kinnelon 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 of Kinnelon 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.

The Borough reserves the right to rescind or revise any or all policies that are not set by any valid bargaining agreement, state or federal laws or the New Jersey Administrative Code. Furthermore, the Borough of Kinnelon hereby retains and reserves unto itself, without limitation, all powers, rights, authorities, duties and responsibilities conferred upon and vested in it by the laws and Constitution of the State of New Jersey and of the United States including, but not limited to, the following rights:

1. To manage and control the affairs of the Borough of Kinnelon and its properties and facilities, the operation of its departments and the work activities and scheduling of its employees;
2. To hire all employees and to determine their qualifications, standards of performance and conditions for continued employment or assignment, promotion and transfer;
3. To layoff, suspend, demote, discharge or take other disciplinary action for good and just cause according to law;
4. To establish rules, regulations, policies and procedures to effect the orderly, efficient administration of the Borough of Kinnelon's personnel management system.

Users of this Manual who encounter difficulty in administering or interpreting any policy or procedure in the Manual should discuss this with his/her Department Supervisor or Council Liaison.

Chapter 2 BOROUGH OF KINNELON

Chapter 2.01 COMMUNITY PROFILE AND DESCRIPTION OF ORGANIZATION

The Borough of Kinnelon was incorporated in 1922. Kinnelon is a suburban community located in the County of Morris in the northwest portion of New Jersey. Kinnelon covers an area of 19.7 square miles and is approximately 42% residential, 1% commercial, 18% conservation and water and 39% undeveloped. The population of Kinnelon is approximately 9,500.

The Borough of Kinnelon is governed by a Mayor and six Council members (also referred to as the “Governing Body”), all of whom are elected by the residents. They are responsible for establishing laws and policies for the Borough.

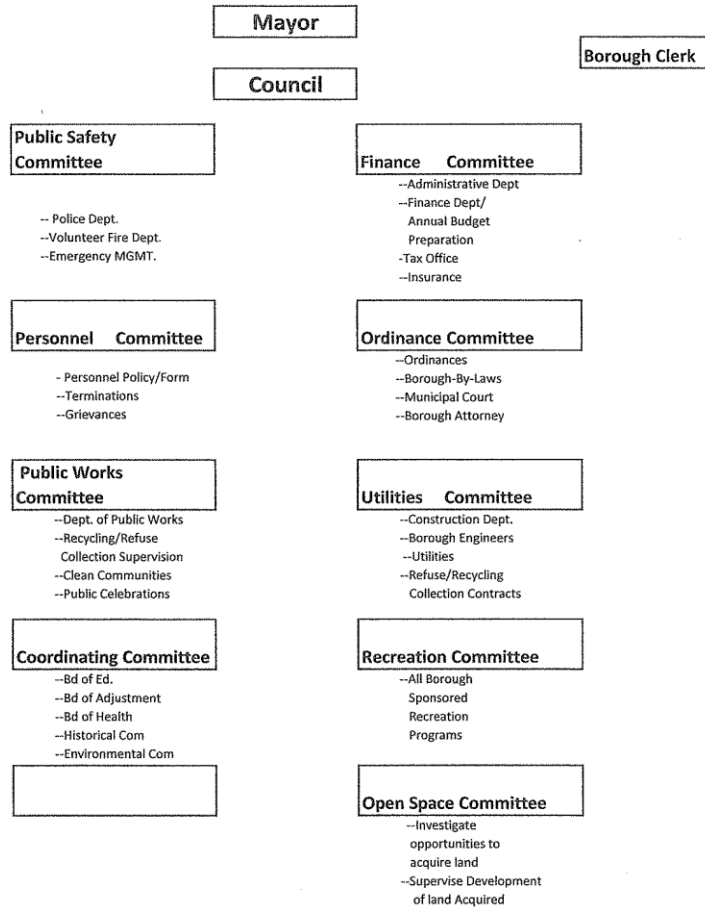
Council members in their capacity as Committee Chairs, serve as Council Liaison to the various Borough departments. There are approximately 85 full-time, part-time and hourly employees of the Borough. Additionally, there are numerous volunteers who serve on various committees and commissions.

Separate and autonomous public entities, which serve Borough residents and businesses, include the Kinnelon Board of Education (Kinnelon Public Schools), the Kinnelon Free Public Library and the Kinnelon Volunteer Fire Department. They are funded by the Borough through the Governing Body. Although these are separate and distinct organizations, there is substantial inter-organizational cooperation, coordination and interfacing between the Borough and the aforementioned public entities.

CHAPTER 2.02

BOROUGH OF KINNELON

ORGANIZATION CHART Council Committees/Liaisons



This Organization Chart shows standing committees by specific Titles as it relates to Chapter 13 of the Code of the Borough of Kinnelon. These committees serve as liaison to Borough Departments, Boards and Commissions and other Responsibilities as assigned to in in the Borough By-Laws. Committee Members are appointed annually by the Mayor with the advice and consent of the Council. Each committee chair reports to the Mayor

5

Chapter 3

EMPLOYMENT WITH THE BOROUGH OF KINNELON

Chapter 3.01

DEFINITIONS:

Full Time Employees: Full time employees are Borough employees who work 35 hours per week.

Part-Time Employees: Part-time employees are Borough employees who work a scheduled twenty (20) hours per week with 1,000 hours per year on a regular basis in that calendar year.

Temporary Part-Time Employees: Temporary part-time employees are part-time employees on the payroll who work on a temporary or irregular basis, less than 1,000 hours per year.

Exempt Employees: Exempt employees are those employees whose work is executive, administrative, supervisory, or professional, or who are otherwise exempt from the provisions of the Fair Labor Standards Act (FLSA).

Non-Exempt Employees: Non-exempt employees are employees whose work is not executive, administrative, supervisory, or professional, or who otherwise come under the provisions of the FLSA.

Department Supervisor: The Department Supervisor is an employee who supervises the personnel and activities of a Borough department.

Council Liaison: The Council person assigned to act as liaison between a department, board or commission and the Borough Council.

Chapter 3.02

ANTI-DISCRIMINATION POLICY

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. 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 Department Supervisor, Council Liaison or Borough Attorney.

Chapter 3.03
AMERICANS WITH DISABILITIES ACT POLICY/NEW
JERSEY PREGNANT WORKER'S FAIRNESS ACT

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

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

The Personnel Committee shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child. All decisions with regard to reasonable accommodation shall be made by the Personnel Committee. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

Chapter 3.04

RECRUITMENT/SELECTION/APPOINTMENT

Filling Vacant Positions: All recruitment activities shall be conducted and appointments shall be made in accordance with the anti-discrimination and equal employment opportunity policies set forth above.

Candidates will be recruited for any vacant, authorized and funded position. Notices are posted on official Borough bulletin boards and may be advertised in the local newspaper(s) if the vacancy is not filled internally. Additionally, the Borough Clerk may check the current file of applications to determine if there are any qualified candidates.

The pool of potential candidates is reviewed by the Department Supervisor who also conducts interviews. The Council Liaison/Personnel Committee may choose to participate in the initial or final interviews.

The Personnel Committee approves the selected candidate prior to hiring.

After a candidate is selected, the Borough shall verify previous employment, check references, check driver's license and driving record if appropriate and conduct any necessary background investigations, including residency verification. The Borough shall notify all selected candidates that they will be required to submit to a pre-employment drug screening to be taken at Chilton Memorial Hospital or Saint Claire-Riverside Medical Center prior to the date of appointment. All selected candidates will be asked to sign an appropriate consent form prior to undergoing a drug screen. Failure of selected candidates to do so will eliminate them from consideration for employment. Consistent with the provisions of the Americans with Disabilities Act, all selected candidates may be required to submit to a pre-employment physical examination prior to the date of appointment. This examination will be used to establish pre-existing conditions and will result in the candidate's rejection if he/she will be unable to perform the duties of the position.

Any job offer made to a selected candidate will be made contingent on the result of the physical examination (if required) and the drug screening. Under no circumstances may employment begin before the drug screening results are made. In the absence of reasonable medical explanation as judged by Chilton Memorial Hospital or Saint Claire-Riverside medical Center, a job offer made to a selected candidate will be rescinded if the results of the drug screening test for said selected candidate are positive. All drug screening results shall be treated in a confidential fashion and will only be reviewed by those Borough officials who have a need to access the information.

The Department Supervisor will provide a successful candidate with a letter of appointment and require completion of forms. Employees hired as "provisional" employees must meet specific requirements to obtain "permanent" status.

No one shall be hired, promoted or placed to directly supervise, or be supervised by, a family member. For the purpose of this policy, a family member shall mean a spouse, child, parent or sibling. The Borough Council may broaden this policy to protect the interest of the Borough in avoiding supervision by other family members or significant others.

All newly hired Borough employees shall be subject to a review by their Department Supervisor at the end of their first three months of employment. Thereafter, every employee will be reviewed by his/her Department Supervisor on an annual basis during the second quarter and a performance evaluation will be prepared by his/her Department Supervisor, reviewed with the employee and made part of the employee's personnel file. Every Department Supervisor will be reviewed and evaluated by his/her Council Liaison.

Employability Proof: After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.

Chapter 3.05

ORIENTATION OF NEW EMPLOYEES

New employees receive orientation and their job description from their Department Supervisor. Department Supervisors receive their orientation and their job description from their Council Liaison. Department Supervisors will welcome new employees, introduce them to co-workers, familiarize them with their workplace and departmental procedures and provide them with a copy of this Manual. The appropriate Council Liaison will perform these duties for a Department Supervisor.

Chapter 3.06

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 3 months. During this initial employment period, the new employee or transferee will be provided with training and guidance from the Department Supervisor. At the end of the initial employment period, the Department Supervisor will conduct an employee evaluation - see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Department Supervisor or Council Liaison concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Department Supervisor or Council Liaison 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.)

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

Chapter 3.07 CLASSIFICATION/COMPENSATION

Classification/Reclassification: The Borough Clerk maintains a job description file for each department position. When duties and responsibilities of a position change to the extent that the job title is no longer appropriate, the Department Supervisor, with the approval of the Council Liaison or Personnel Committee, re-classifies the position. Additionally, each department develops general job descriptions for positions within the department and may reclassify same upon request by the Council Liaison or Personnel Committee.

Compensation: Each paid position within the Borough is assigned a pay classification in the Salary Ordinance.

Compensation is paid every two weeks.

Payroll Deductions: Deductions from paychecks may include the following:

<u>DEDUCTION</u>	<u>SHOWN ON PAYCHECK</u>
• Federal Income Tax	FED TAX
• State Withholding Tax	STATE NJ
• Social Security	FICA TAX
• Medicare	MED
• State Unemployment Insurance	NJ UNEMP
• Disability Tax	NJ DISB
• Police & Fire Retirement Pension	PFRS PENSION
• Police & Fire Pension Loan	PFRS LOAN
• Public Employees Retirement Pension	PERS PENSION
• Public Employees Retirement Loan	PERS LOAN
• Contributory Insurance	PERS CI
• Deferred Compensation	DEF COMP
• Savings Bonds	BONDS
• Probation Support Deduction	SUPPORT
• AFSCME Union Dues	DPW DUES
• Local Union #341 P.B.A.	PBA DUES
• IBEW #164	BOROUGH DUES
• Court Ordered Wage Garnishments	GARNISHMENT
• Health Insurance	HEALTH
• Flexible Spending Account	FSA

Chapter 3.08

CHANGES IN EMPLOYMENT STATUS/RESIGNATION

Any change in employment status will be made in accordance with department needs and job descriptions.

Resignations: Employees are expected to provide as much notice as possible to their Department Supervisor regarding resignations. In order to have "resigned in good standing," an employee must provide at least ten (10) working days notice in writing. If less than ten (10) working days notice is given, the resignation will be considered "not in good standing." Employees are considered to have abandoned their positions and thus resigned "not in good standing" when they are absent from duty for five (5) or more consecutive working days without approval.

Exit Interview: On or about the last working day for an employee, the Department Supervisor and/or the Council Liaison will attempt to advise the employee of his/her rights and benefits as an employee separated from service to the Borough of Kinnelon, to offer the employee an opportunity to discuss the reason for his/her resignation and offer comments on his/her experiences in working for the Borough of Kinnelon.

Badges, photo identification cards, vehicles, clothing, keys, swipe cards, beepers, radios, tools, this Manual and/or any other Borough property, passwords and codes must be turned over to the Borough and Borough-paid telephone service must be terminated prior to, or on, the last day of employment.

Chapter 3.09

EMPLOYEE DISCIPLINE POLICY

An employee may be subject to discipline for any of 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/or visitors.
- Theft or attempted theft of property belonging to the Borough, 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 Borough property at any time.

- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on Borough premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough 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 Borough rules or policies.
- Conduct unbecoming a public employee.
- Violation of Borough policies, procedures and regulations.
- Violation of Federal, State or Borough laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

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

In cases of employee misconduct, the Borough 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; Council Liaison review; written reprimand; suspension; fines, and, dismissal. At the discretion of the Borough, 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 Borough guidelines, policies or practices create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or the Borough.

Chapter 3.10 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 Department Supervisor believe that an employee is not conforming to the Borough's policies and rules or to specific instructions, or has acted improperly, the Department Supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the Department Supervisor determines that the employee has acted improperly, the Department Supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the Department Supervisor and the Council Liaison, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the Department Supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Department 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 Department Supervisor for the employee's official personnel file.
- **Council Liaison Review:** Should the Department Supervisor consider the offense sufficiently serious to warrant consideration by the Council Liaison, the employee will be so advised and a meeting arranged with the Council Liaison 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 Department Supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Council Liaison. 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 Department Supervisor for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Council Liaison and/or Personnel Committee 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 Council Liaison and Personnel Committee 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.

Chapter 3.11 GRIEVANCES

Employees who have grievances, complaints or disagreements with the interpretations, applications or violation of established policies, agreements or administrative decisions are encouraged to try to resolve these problems by discussing them frankly with their Department Supervisor.

Employees may submit a written request to their Council Liaison to discuss the problem if they are not satisfied with the initial response. The Council Liaison may refer the matter to the Personnel Committee. If the issue continues to remain unresolved, it may be submitted to the Governing Body, in writing, for resolution.

Chapter 3.12 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 Department Supervisor, or, if they prefer, or do not think that the matter can be discussed with their Supervisor, they should contact the Council Liaison, Personnel Committee or Borough 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 Department 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 an incident.

Chapter 3.13

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 Department Supervisor, Council Liaison and Borough Attorney must report all written or verbal complaints to the Personnel Committee unless the complaint is against a member of the Personnel Committee. Upon receipt, the Personnel Committee 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 Personnel Committee or investigator appointed by the Personnel Committee will interview the employee. If the employee is reluctant to sign a written complaint, the Personnel Committee 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 Personnel Committee 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 Personnel Committee 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 Personnel Committee 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.

Chapter 3.14 EMPLOYEE EVALUATION POLICY

The Department 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 Department Supervisor will review the results with the employee and return the form(s) with the signed acknowledgement to the Personnel Committee. After review by the Personnel Committee, the form(s) shall be placed in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Personnel Committee.

Chapter 3.15 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. Department 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 Department 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 Personnel Committee. After review by the Personnel Committee, 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 Personnel Committee.

Chapter 3.16

ACCESS TO PERSONNEL FILES POLICY

The official personnel file for each employee shall be maintained by the Personnel Committee. 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.

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

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

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

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough's compliance with applicable law;
- To the Borough's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the section titled, "Requests for Employment Verification and Reference Procedure."

Chapter 3.17 PERSONNEL FILE PROCEDURE

The official personnel files shall be maintained by the Personnel Committee and employee medical information will be maintained in a separate file. At least annually, the Personnel Committee will review files to make sure they are up-to-date.

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 this Manual;

- 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.

Chapter 3.18

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 Personnel Committee. No employee may issue a reference letter without the permission of the Personnel Committee. Under no circumstances should any information be released over the phone.

In response to a request for information, the Personnel Committee 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.

Chapter 3.19

BULLETIN BOARD POLICY

Employment notices which are required to be posted by federal or state laws and any other governmental agencies will be posted on bulletin boards in the following locations:

- Municipal Building – Bulletin Board in Lobby
- Outside of Police Lunchroom
- Department of Public Works - Garage and Supervisor's Office
- Kinnelon Library

Only personnel authorized by the Governing Body may post, remove, or alter any notice.

Chapter 3.20

CRIMINAL HISTORY RECORD BACKGROUND CHECK

Designated official or Officer: In accordance with chapter 22 of the Code of the Borough of Kinnelon, the Borough of Kinnelon Chief of Police, or his designee, (“Officer”) is hereby authorized to request a criminal history record background check (“background check”) of any employee of the Borough.

Background Check: A Department Supervisor or the Personnel Committee may request that the Officer perform a background check of an individual seeking employment with the Borough. Any individual subject to a background check shall complete an SBI-19 form for New Jersey fingerprint identification purposes, as provided by the Division of State Police, and an FC-528 Federal fingerprint card in accordance with applicable State and Federal laws, rules and regulations. Said individual may also be required to submit to a name search, which shall necessitate the need for the employee to complete an SBI-212 form, in its entirety. The Officer shall advise the potential employee that the furnishing of his or her social security number is voluntary and if provided, will only be used for purposes of processing request for criminal history record information. Prospective employees are to schedule an appointment at a Morpho Trak location in New Jersey for fingerprinting. The results of this will be sent directly to the Chief of Police who will inform the Personnel Committee if the prospective employee has received a clean fingerprint report. If the report is acceptable, the employee will be reimbursed for the cost of the appointment.

If the criminal history record information may disqualify an individual from employment with the Borough, said individual shall be provided with adequate notice and an opportunity to confirm or deny the accuracy of the information contained in the record. Said individual shall be afforded a reasonable time to correct or complete the record prior to a final determination or decision concerning his and her eligibility for employment. An individual is presumed innocent of any pending charges or arrests for which there are no final dispositions indicated on the record.

For the purpose of determining the accuracy of a criminal history background check record, any individual may request a fingerprint search on his or her personal criminal history record by submitting the fee specified in N.J.A.C.13:59-1.3(a) and the form specified in N.J.A.C.13:59-1.4(a) to the New Jersey State Police SBI or submitting the fee and form required by 28 CFR 16:30, et seq., for a federal search.

The rules and regulations governing a criminal history record background check for noncriminal justice purposes are set forth at length in N.J.A.C.13:59-1.1, et seq.

Chapter 3.21

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

Discussions by the Governing Body or any public 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 may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or open session should be discussed with and be based upon the guidance and advice of the Borough Attorney and recent court decisions.

Chapter 3.22

CONTAGIOUS OR LIFE THREATENING ILLNESS POLICY

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

The Borough 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 confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Chapter 3.23 DRIVER'S LICENSE POLICY

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

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

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

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

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

Chapter 3.24

CONTINUING EDUCATION PROCEDURE

The Borough, in conjunction with the Personnel Committee, 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.

Chapter 3.25

CHANGING VITAL INFORMATION:

It is the responsibility of each employee to notify the Borough Administrator promptly, in writing, of any changes to vital information, including but not limited to the following items:

- Name
- Address
- Telephone Number
- Marital Status
- Dependent Children
- Change in status for health care programs
- Change in beneficiary on pension or life insurance policies
- Change in tax status for tax withholding purposes

Changes may be accomplished by sending written notice to the Borough Administrator. When necessary, the employee will be provided with the proper forms to change beneficiary, income tax deductions, etc.

Chapter 4 EMPLOYEE BENEFITS

Chapter 4.01 HEALTH /VISION/MEDICAL CARE BENEFITS

The Plan covers basic medical and major medical (including hospitalization). Limited (\$125.00) eye care expenses are reimbursed every other year. A Plan description and summary may be obtained from the Finance Office.

Eligibility: Effective January 1, 2011, full-time employees working 35 or more hours per week and their dependents shall be eligible for the health benefits through the Borough Plan paid for by Kinnelon Borough, provided they meet the conditions set forth by the health plan. Details on the health plan will be provided by the employee's Department Supervisor.

Enrollment: The Finance Office will provide enrollment forms. The employee must complete the enrollment forms for health coverage and return them as soon as possible after beginning employment to ensure earliest coverage. Annually, an open enrollment period is designated for any changes in enrollment.

Medical Benefits: Plan participants have the option of utilizing in-network or out-of-network providers and facilities. Generally, the employee's share of the fee is significantly less when using an in-network provider. Additionally, in-network providers will directly bill the Plan. When an out-of-network provider is used, annual deductibles must be met and a percentage of the fee is generally covered by the plan. Some maximum lifetime benefits are in effect under the Plan.

Any Borough employee who is otherwise eligible for health benefits offered by the Borough of Kinnelon but who is also covered as a dependent of his or her spouse's health plan offered by the spouse's employer may waive coverage under the Borough's health plan. Such a waiver of Borough health benefits shall be in writing, by form as determined by the Health care provider or the State of New Jersey and approved by the Borough Attorney, and shall be filed with the Finance Department or such department handling employee benefits. In considering of filing such a waiver of health benefits, the Borough shall pay to the employee 25% of the amount saved by the Borough annually, because of the employee's waiver of health benefits.

Any employee who has been enrolled in a Borough health plan and then opts to waive their Borough health benefits shall receive 25% of the premium paid by the Borough for the health plan in which they were enrolled. New employees shall receive 25% of the least expensive premium paid for health benefits offered by the Borough at the time of the waiver. (1/20/05)

Prescription Drugs: A Plan may pay for a percentage of the cost of a prescription drug order if the employee has elected a plan with this coverage and has obtained the medication through a participating pharmacy.

Eye care: The Borough provides limited eye care reimbursement in the amount of \$300.00 every other year for full-time employees to be used to cover standard eye examinations and glasses or contact lenses.

Continuation of Benefits: After retirement, termination, or while on an approved leave of absence, health benefit coverage may be continued at the expense of the employee as required by Federal (COBRA) or State law. COBRA application forms are given to an employee with his/her last paycheck. It is the responsibility of the employee to fill out the forms and apply for benefits.

Note: Errors in medical enrollment and claims forms are the responsibility of the employee and not the employer.

The Borough reserves the right to change provider networks, claims agents and insurance mechanisms (fully insured versus health insurance fund, e.g.).

Chapter 4.02 PENSION PLAN

THIS SECTION IS SUBJECT TO CHANGE BASED UPON ACTIONS BY PERS OR PFRS AND THEREFORE THOSE REQUIREMENTS WILL ALWAYS SUPERSEDE THESE PROVISIONS

PERS: Most non-uniformed employees covered by Social Security who earn \$1,500 or more a year and any veteran, must enroll as members of the New Jersey Public Employees' Retirement System (PERS). (Police and Fire employees are eligible for enrollment in the Police and Fire Retirement System (PFRS). See below for more information on PFRS.) For certain other employees, membership is optional. Employees who cannot join PERS include provisional, temporary or seasonal employees with less than twelve (12) months of continuous service and those receiving a pension from PERS or another public retirement system in New Jersey.

Any employee who is ineligible to join PERS or PFRS may be eligible for membership in the Defined Contribution Retirement Program (DCRP). For information on this plan please see the Finance Department.

The employee must complete an application form in order to enroll. The State Division of Pensions certifies the amount of the payroll deduction based on the employee's salary.

Employees who actively contribute to PERS may obtain low interest loans from PERS. The maximum loan amount is based on the accumulated contributions by the employee. Loan repayments are made by payroll deductions.

Withdrawal from Pension Plan: If employment terminates before retirement and the employee has less than ten (10) years credit in PERS, the employee may withdraw from the system or may continue as an inactive member for 2 years.

Deferred Retirement: Employees with at least 10 years credit in PERS are vested in the system and are eligible for deferred retirement. Under deferred retirement, membership in the pension remains inactive but retirement benefits are made available once the member reaches age sixty (60).

Retirement: Employees who are planning to retire should contact the Administrative office (12) months before the anticipated retirement date. Employees should file a retirement application with the Division of Pensions at least six months before retirement to allow time for their application to be processed.

All pension forms and additional information are available from the Administrative office the PERS Member Handbook or through the New Jersey Division of Pensions and Benefits.

PFRS: Enrollment in the New Jersey Police & Firefighters Retirement System (PFRS) is restricted to eligible police officers and firefighters. Firefighters are defined for pension purposes as any permanent, full-time firefighter or officer subdivision thereof, with police powers. (See PFRS Member Handbook for eligible titles.)

The employee must complete an application form in order to enroll. The State Division of Pensions certifies the amount of the payroll deduction based on the employee's salary.

Chapter 4.03 LIFE INSURANCE

THIS SECTION IS SUBJECT TO CHANGE BASED UPON ACTIONS BY THE PERS AND THEREFORE ITS REQUIREMENTS WILL ALWAYS SUPERSEDE THESE PROVISIONS

Employees who are members of PERS are automatically covered in the Group Life Insurance provided through the State pension plan. Members of PERS are insured for non-contributory life insurance, which is paid for by the Borough. During the first twelve (12) months of membership, employees must also carry additional contributory life insurance. After twelve (12) months, employees may cancel or continue the contributory life insurance.

If an employee terminates employment before retirement or if insurance coverage terminates while on a leave of absence, coverage will continue for 31 days. During this time, employees may convert all or part of the coverage to an individual policy.

All forms and additional information are available from the Administrative office. Additional information is also provided in the PERS Member Handbook.

Chapter 4.04 WORKERS COMPENSATION

THIS SECTION IS SUBJECT TO CHANGE BASED UPON ALTERATIONS TO THE NEW JERSEY WORKER'S COMPENSATION ACT AND THEREFORE ITS REQUIREMENTS WILL ALWAYS SUPERSEDE THESE PROVISIONS

By State law, the Borough must provide workers compensation coverage for all employees. The Borough may grant a leave of absence for up to one year for any full or part-time employee or Governing Body member who is injured or disabled as a result of his/her employment.

Forms and more detailed information are available from the Administrative office.

Medical Attention: In an emergency, the employee should be transported to the nearest emergency room. If prompt or follow-up medical attention is required, the employee should contact his/her Department Supervisor for a current list of plan participating facilities and physicians. All bills should be sent directly to the Borough's Finance Office.

Reporting of Accidents: The employee will promptly notify the Department Supervisor of the nature of an on-the-job accident or injury and advise the Supervisor what action was taken.

All minor or major accidents or injuries must be reported immediately via the Accident Report form, to the Borough Clerk who will file the necessary Workers Compensation claims and notify the Borough Payroll Department. If the employee is unable to complete the Accident Report form, the Department Supervisor will complete the form for the employee. The employee must notify the Borough Clerk directly upon return to work and, when required, submit a written notification of his/her return to work.

Worker's Compensation: The New Jersey's Worker's Compensation Laws set forth the requirements for the payment of temporary disability benefits to an employee who is injured in the course of his or her employment. Under the provisions of Section N.J.S.A. 34:15-12(a), an injured worker will be compensated seventy percent (70%) of the employee's wages up to a maximum obligation which has been set at seventy-five (75%) of the State Average Weekly Wage (SAWW) for any given year. The SAWW is computed and published by the Commissioner of Labor and Industry on an annual basis. The minimum the Borough will pay is twenty percent (20%) of the SAWW. The maximum length of time this compensation will be paid shall be as the law applies and will be determined in each case.

While an employee is out on workers compensation, the following benefits will continue:

- Medical and prescription plans. Eye care reimbursement.
- Pension - Pension payments will be deducted from his/her wages

- Non-contributory life insurance will be continued for up to 1 year
- Contributory life insurance - The employee contribution will be deducted from his/her wages

Any other salary or wages paid to an employee while on such leave will be reduced by the amount of any temporary workers compensation payment for the same injury or illness.

Chapter 4.05 UNEMPLOYMENT COMPENSATION

THIS SECTION IS SUBJECT TO CHANGE BASED UPON THE ACTIONS OF THE NEW JERSEY UNEMPLOYMENT INSURANCE PROGRAM AND THEREFORE ITS REQUIREMENTS WILL ALWAYS SUPERSEDE THESE PROVISIONS

Both the Borough of Kinnelon and its employees make contributions toward the State Unemployment Insurance Program. The employee's contribution is deducted from his/her wages as noted on the pay stub. An employee who is terminated should file a claim for benefits with the Unemployment Compensation Insurance Claim Office nearest his/her home on the first working day following termination.

Chapter 4.06 DISABILITY BENEFITS

THIS SECTION IS SUBJECT TO CHANGE BASED UPON THE ACTIONS OF THE NEW JERSEY DEPARTMENT OF LABOR, DIVISION OF PROGRAMS, DISABILITY INSURANCE PROGRAM AND THEREFORE, ITS REQUIREMENTS WILL ALWAYS SUPERSEDE THESE PROVISIONS

The New Jersey State Department of Labor, Division of Programs, Disability Insurance Program sets forth the requirements for the payment of disability benefits. As of June 1996, the maximum for disability benefits is 26 weeks for any one period of disability. Application for such benefits is at the option of the employee and is the responsibility of the employee. Forms are available in the Administrative office.

Chapter 4.07 EDUCATIONAL BENEFITS

Employees are encouraged to receive job-related training and education by attending college courses, seminars, conventions and professional conferences. Such training is encouraged if time away from the job permits and is of direct value to the Borough of Kinnelon. It does not include knowledge or skills that may be acquired through in-service training. Upon written recommendation from the Department Supervisor for full-time and part-time employees, the fees associated with this training may be paid for or reimbursed by the Borough provided the cost has been preapproved by the Council Liaison and provided for in the department's budget and proof

of successful completion of the educational course or training is submitted to the Personnel Committee for inclusion in his/her personnel file. Course agenda or material which signed and dated by the instructor may be substituted if no official certification is provided. The cost of mileage is not reimbursable.

Chapter 4.08

FLEXIBLE SPENDING ACCOUNT

In accordance with the provisions set forth in P.L. 2011 - Chapter 78 the Borough has established a Flexible Spending Account in accordance with the provisions of Section 125 of the Internal Revenue Service regulations. An employee wishing to participate should see the CFO and/or Finance Department for specific information. (4/19/12)

Chapter 5

LEAVE OF ABSENCE POLICY

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Personnel Committee 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 Personnel Committee 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. 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.

Chapter 5.01

REQUESTS FOR LEAVE

Leave Request: Unless specified elsewhere in this Manual, all leaves are unpaid. All leave requests must be in writing and submitted to the Department Supervisor. In order to minimize disruptions to the workflow, employees should notify their Department Supervisor of the request for a leave as soon as possible. All leaves must be approved by the Department Supervisor. Requests from Department Supervisors must be submitted to the Council Liaison who will notify the Governing Body.

Leave Records: All written requests are to be forwarded to the Personnel Committee for recording in the employee's attendance file.

Continuation of Benefits: Since leaves of absence may affect certain employee benefits, employees should see the Borough Clerk to discuss possible continuation of such benefit. Effect of unpaid leave on calculation of benefits is such that time taken on any unpaid leave of absence shall not be credited toward the calculation of seniority, sick leave, vacation and pension benefits.

Chapter 5.02

HOLIDAYS

A. All full-time employees shall receive time off with pay for thirteen and one-half holidays each year. (Christmas Eve workday ends at noon). Part-time employees shall be paid accordingly based upon the total hours they worked in the year. Temporary part-time employees shall be entitled to time off without pay for the enumerated holidays.

B. The following days of each year shall, for all purposes whatsoever as regards the transaction of business in the public offices of the Borough of Kinnelon and the conduct of governmental functions and affairs other than emergent matters and the public safety, be treated as public holidays.

New Year's Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Columbus Day
General Election Day
Veterans Day
Thanksgiving Day
The day following Thanksgiving Day
Christmas Eve (one-half day)
Christmas Day
Employee's birthday

C. The aforementioned public holidays shall be observed on the date designated by the State of New Jersey when said date differs from the date of federal observances.

D. Whenever any of the days hereinabove mentioned can and shall fall on a Sunday, the Monday next following shall, for the purposes herein expressed, be deemed a public holiday. Whenever any of the days mentioned hereinabove can and shall fall on a Saturday, the Friday immediately preceding shall, for the purposes herein expressed, be deemed a public holiday.

E. Employees may not elect financial compensation in lieu of taking time off for a holiday. If an employee is requested to work on a holiday, an alternate day off will be allowed in lieu of taking the holiday.

Chapter 5.03 VACATION

Vacation Accrual: Full-time and part-time employees will receive annual vacation leave based on continuous years of service as shown below. The date of hire will determine the number of years of service for vacation purposes. Part-time employees are entitled to proportionate amounts of paid vacation leave. Vacation time is credited at the beginning of the calendar year, in anticipation of continued employment for the remainder of the year.

- After six (6) complete months to twelve (12) complete months: five (5) days
- From the first day of the thirteenth (13) month to sixty (60) complete months: ten (10) days

- From the first day of the sixty-first (61) month to one hundred thirty-two (132) complete months: fifteen (15) days
- From the first day of the one hundred thirty-third (133) month to two hundred forty (240) complete months: twenty (20) days
- Upon the first day of the two hundred forty-first (241) month: twenty-five (25) days
- **Vacation Requests:** Requests for vacation shall be submitted to the Department Supervisor or the Council Liaison. Requests will be honored if possible; however, proper staffing of each department takes precedence over all other considerations in scheduling vacations. Requests to take vacation time in days immediately prior to and after a weekend require a two-week notice. Minimum vacation time to be taken is one-half day. Vacation time taken in hours is not permitted.

During the final year of service, an employee may take his/her full vacation entitlement or may elect to receive payment in lieu of time off.

Non-Cumulative Vacation Days: Any employee who is entitled to fifteen (15) days or less of paid vacation leave in a calendar year must use said vacation leave within each calendar year or it will be a lost benefit. (12/7/05)

Buy back of Vacation Days: Any employee who is entitled to twenty (20) or more days of paid vacation leave in a calendar year must use at least fifteen (15) days of paid vacation leave within each calendar year. Upon request to the Department Supervisor or the Council Liaison any employee who is entitled to twenty (20) or more days of paid vacation leave in a calendar year may sell back to the Borough the unused days of paid vacation leave by the end of the calendar year, provided that the employee has used at least fifteen (15) days of paid vacation leave at the time of the request. Any employee entitled to twenty (20) or more days of paid vacation leave in a calendar year must use and/or sell back all paid vacation leave in a calendar year or it will be a lost benefit. (12/7/05) In lieu of buying back vacation time, an employee may opt to, in writing, carryover five (5) vacation days until April 30th of the following year. After April 30th, those days will no longer be available as part of the employee's vacation day allotment.

Advancement of Vacation Days: Any employee who exhausts all of his/her vacation leave in any one year will not be credited with any additional paid vacation leave until the beginning of the next calendar year. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any vacation leave, which was used but had not yet been earned.

Termination: An employee who is terminated or who voluntarily terminates his/her employment shall be entitled to the vacation allowance for the current year, prorated upon the time worked in the year in which the separation becomes effective.

Chapter 5.04

SICK LEAVE FOR FULL-TIME AND PART-TIME EMPLOYEES

“Sick Leave” is hereby defined as absence from post of duty because of personal disability due to illness or non-occupational injury.

Sick Day Accrual: Full-time employees shall be allowed sick leave with full pay for a maximum of one (1) day per month cumulative for the first year of employment and maximum twelve (12) sick days per year, with full pay, not to exceed the cumulative total of one hundred twenty (120) days for the entire term of employment. Sick days may be accrued on an on-going basis during the term of employment and taken as needed. However, the maximum sick day accrual for reimbursement at the time of retirement shall not exceed 120 days. Part-time employees shall have the same benefit on a pro-rated basis.

All current employees on the date of adoption of the policy who were employed by the Borough on or before January 1, 1992 shall be granted six (6) days cumulative total of one hundred twenty (120) days for that period prior to January 1, 1992. That sum of accumulated days shall then be supplemented by the number of unused sick days accruing on or after January 1, 1992 but not to exceed an aggregate cumulative total of one hundred twenty (120) days for the entire term of employment both prior to and subsequent to January 1, 1992.

Sick days shall not accrue during a leave of absence without pay, during a suspension or after an employee has resigned even if his/her name remains on the payroll until vacation or other leave time is exhausted.

Advancement of Sick Days: Any employee who exhausts all of his/her sick leave in any one year shall not be credited with any additional paid sick leave until the beginning of the next calendar year. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any sick leave that was used, but had not yet been earned.

Use of Sick Days: Sick leave may be used for personal illness or non-occupational injury, for a reasonable period of time. No employee shall work for another employer while on sick leave.

Notification: All Department Supervisors and employees are responsible for notification of absence due to illness within fifteen (15) minutes of start time. If an employee is unable to reach his/her Department Supervisor, (or in the case of a Department Supervisor) the Borough Clerk should be contacted. Failure to follow the procedure for notification of absence due to illness could result in denial of sick leave for that absence and/or disciplinary action. If possible, the employee must submit a written notice prior to the commencement of sick leave. If this is not possible, the employee's Department Supervisor will submit a written notice for the employee's file. The Council Liaison will submit the written notice for the Department Supervisor.

Any Department Supervisor or employee who is on sick leave for three (3) or more consecutive days or if sick days occur immediately before or after a weekend more than three times in a calendar year, official proof of illness or inability to work must be submitted. If an illness is of a chronic or recurring nature, employees must provide periodic proof of illness to the Borough Clerk. Such proof must specify the nature of the illness and that it is likely to cause periodic absences.

Return to Work: The Borough may require a medical certificate from the attending physician stating the employee is able to return to his/her regular duties without jeopardizing the health or safety of the employee or other employees.

Sick Day Payoff upon Retirement/Death: Compensatory pay or leave, for accumulated unused sick days for a maximum total of one hundred and twenty (120) days for each full-time employee or part-time employee shall be as follows:

1. At retirement only, any full-time or part-time employee can choose to take his/her accumulated sick leave up to the maximum
2. In the alternative, at retirement only, any full-time or part-time employee can choose to take fifty dollars (\$50) per day for each unused accumulated sick day up to the maximum, subject to the employee's accrued credit for said compensation.
3. "Accrued credit for compensation" shall be defined and shall accrue such that payment for compensation for unused sick days will be made for up to twelve (12) days per year. (Based upon a rate of ten percent (10%) of the maximum (120) sick day allowance). This may accrue for each full year of employment to the 10th year. The employee shall be compensated for one hundred percent (100%) of accumulated sick leave in the 10th year of employment and thereafter to the maximum of 120 days.
4. At retirement the employee may also choose to take a portion of the accumulated sick days as leave and a portion in compensation as set forth below.
5. In the event of an employee's death subsequent to retirement, compensation for unused sick days shall be at the rate of pay at time of death, paid to the employee's estate.
6. Payment of compensatory pay shall be at the discretion of the Finance Committee of the Borough Council and subject to availability of funds in the current budget. If not available, said funds shall be budgeted in the year following.
7. The foregoing policy shall not alter or change the established policy of using unused sick days for disability.

Chapter 5.05

SICK LEAVE FOR TEMPORARY PART-TIME EMPLOYEES

The New Jersey Paid Sick Leave Act (P.L. 2018, c. 10) allows employees to accrue sick leave at their regular rate of pay. Employees accrue one (1) hour of sick leave for every thirty (30) hours worked, with a cap of forty (40) hours per year. This earned sick leave time may be used for: the diagnosis, care, or treatment of or recovery from an employee's illness (mental or physical), injury or other adverse health condition, or for preventative medical care; time needed to aid or care for a family member; time needed due to an employee or family member of an employee being a victim of domestic or sexual violence; closure of the municipal building, or the school or place of care of a child of the employee, issued by a public health authority due to a public health emergency; or time needed to attend a school-related conference, meeting, function or other event required by a school administrator, teacher, or other professional staff member responsible for the education of the child of an employee or to attend a meeting regarding care provided to a child of an employee in connection with the child's health condition or disability.

Family member means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee; or a spouse, domestic partner, civil union partner of a parent or grandparent of the employee; or a sibling of a spouse, domestic partner or civil union partner of the employee; or any other individual related by blood to the employee or whose close association with the employee is the equivalent to a family relationship.

The Borough requires that seven (7) days advanced notice of an employee's intention to use sick leave time be given if the need for the sick leave is foreseeable. For any unforeseeable use of sick time, the Borough requires the employee to provide notice as soon as practicable. The Borough requires reasonable documentation (documentation signed by a health care professional treating the employee or the family member) for any use of sick leave time for three (3) or more consecutive days. The Borough may prohibit the use of sick leave for foreseeable purposes on certain dates, and may require reasonable documentation if sick leave that is not foreseeable is used during those dates.

Any information the Borough possesses regarding the health of an employee or family member of the employee will be treated as confidential and not disclosed except to the affected employee.

The Borough will retain records documenting hours worked by employees and earned sick leave taken by employees for a period of 5 years. These records will be available upon demand.

As set forth in the New Jersey Paid Sick Leave Act, any employee that is already provided paid time off (sick days, vacation days, personal days, etc.) by the Borough is not entitled to accrue additional sick leave as set forth in this Section including all employees covered by a collective bargaining agreement and all employees that are provided paid time off days/hours at the beginning of the year.

Chapter 5.06 PERSONAL DAYS

PERSONAL DAYS ARE NOT PERMITTED IN THE FIRST THREE (3) MONTHS OF EMPLOYMENT

Thereafter, all full-time employees (working 35 or more hours per week) shall be granted three (3) paid personal days at the beginning of each calendar year in anticipation of continued employment. Personal days may be taken in full day and one-half day increments. If an unforeseen emergency arises, an employee may take time off in hourly increments to deal with the situation. The employee shall notify his/her Department Supervisor (Department Supervisor to notify the Borough Clerk) and upon return to work, provide to the Borough Clerk, a written notice which shall be made part of the employee's personal file.

Except for emergencies, all Department Supervisors and employees requesting use of personal time must submit their request in writing 24 hours in advance. The employee must submit his/her request to the Department Supervisor who will submit it to the Borough Clerk and Personnel Committee. Upon approval by the Council Liaison, the Department Supervisor must submit his/her own written request to the Borough Clerk and Personnel Committee. In case of emergency, notification must be within fifteen (15) minutes of start time. The Department Supervisor shall notify the Borough Clerk and Personnel Committee.

Failure to follow the procedure for notification of use of personal time could result in denial of personal time for that absence and/or disciplinary action.

Any employee who exhausts all personal leave in any one-year shall not be credited with additional paid personal leave until the beginning of the next calendar year. If an employee terminates employment prior to the end of the calendar year, an adjustment will be made in the final paycheck for any personal leave used but not earned.

Part-time employees will be entitled to personal days on a prorated basis and shall be paid accordingly based upon the total hours they worked in the year.

Temporary part-time employees shall not be entitled to any personal days with pay.

Personal leave must be used in the year credited.

Chapter 5.07 BEREAVEMENT LEAVE

Full-time employees may take up to five (5) days of bereavement leave, with pay, for a death in their immediate family. For the purpose of this policy, immediate family is defined as parents, spouse, grandparents, natural brothers and sisters, children and parents-in-law or any person living in the employee's immediate household. Bereavement leave must be taken on consecutive workdays and include the day of death, the funeral and/or memorial services.

Employees must immediately notify their Department Supervisor of their intent to take bereavement leave. The Department Supervisor must notify the Borough Clerk and Personnel Committee.

Part-time employees may take up to five consecutive part-time days (5) of bereavement leave, with pay, for a death in their immediate family which days reflect the part-time hours they would have regularly worked.

Temporary part-time employees shall not be entitled to paid bereavement leave.

Chapter 5.08 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 Borough; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits 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 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 Personnel Committee.

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

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

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

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

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

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

Chapter 5.09

MILITARY LEAVE POLICY

When a full-time employee 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. 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 Borough 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.

Chapter 5.10

JURY DUTY LEAVE

Employees summoned to serve jury duty shall be paid their regular rate of pay. Employees, who serve on a jury or are subpoenaed as witnesses in civil or criminal cases directly involving them in their capacity as Borough employees or they are witnesses in an action wherein they are not a party litigant, may be granted a paid leave of absence for the time in which they are officially involved with the court in that capacity. A copy of the jury duty summons or subpoena must be submitted to the Borough Clerk.

Employees must notify their Department Supervisor as soon as possible if the length of their jury duty or subpoenaed testimony has been extended beyond the original date. On the first day of their return to work, employees must present a jury attendance slip, provided by a court authority, to their Department Supervisor to be attached to the weekly time sheet.

Chapter 5.11

SEQUENTIAL MULTIPLE ANALYSIS TEST (SMAC)

At the discretion of the Borough Council, the Borough-sponsored SMAC tests shall be provided for the Mayor, Council, each full-time and part-time employee and their spouse, which test shall be administered by the Kinnelon Department of Health.

Chapter 5.12

DOMESTIC VIOLENCE LEAVE

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

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

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

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

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

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

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

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

Chapter 5.13

EMPLOYEE AND RETIREMENT SICK TIME

The Borough provides paid sick leave benefits to all eligible employees for period of temporary absence due to sickness, injury, accidents, doctors or dental appointments or exposure to contagious disease. Sick leave may also be used for the attendance of the employee upon a member of the immediate family who is ill.

An employee should notify his/her Department Head and the Borough Administrator in writing at least six (6) months before planned retirement. The State retirement plans request six (6) 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.

An employee is classified as "retired" from the effective date of their retirement, as determined by in partnership with the employee and the Administrator. Upon the effective date of retirement, an employee is classified as no longer employed and shall not accrue additional days and benefits.

Chapter 6 WORK SCHEDULE

Chapter 6.01 ATTENDANCE & PUNCTUALITY

All employees are expected to report for work on time, perform their assigned duties for all hours of the work period and complete their assigned work period unless excused.

Hours of Work: The normal workday for non-exempt, full-time employees shall be seven (7) hours, 8:00 a.m. to 4:00 p.m., 5 days Monday through Friday with one (1) hour for lunch. From Memorial Day to Labor Day the Summer Schedule is to be followed which is Monday through Thursday 8:00 a.m. to 4:00 p.m. with one half hour lunch period. Friday's 8:00 a.m. to 1:00 p.m. The normal work week shall be thirty-five (35) hours, except in the case of employees whose job responsibilities require their attendance as described in their job descriptions.

The normal workday for other departments stated under their negotiated contracts shall be as set forth therein.

Punctuality: Punctuality in reporting for duty or returning from authorized breaks is considered to be an obligation of all employees. Employees are expected to be at their workstations and ready for work at their prescribed starting time. Employees who anticipate arriving late for work or returning late from a break should notify their Department Supervisor, indicating the reason for the lateness and their anticipated arrival time. Department Supervisors will report tardiness of ten (10) minutes or more on the weekly time sheet. If an employee is chronically late, the Department Supervisor will report it to the Council Liaison. The Supervisor and/or the Council Liaison will develop an appropriate course of action to rectify the problem which may include docking an employee's compensation. The Council Liaison will supervise the time of the Department Supervisor.

Time Records: It is absolutely essential for all borough employees to follow the procedure of accurately recording their time of arrival, departure, and absence on the prescribed time cards. Reasons for absence, other than earned vacation time, must be documented either on the time card or separately in writing by the end of each pay period. Time records will be reviewed for completeness and accuracy, then approved and certified by each employee's Department Supervisor. Department Supervisors are responsible for the completeness and accuracy of their own time records.

Time records will be turned over to the Payroll Clerk at the end of each week and will become part of each employee's permanent personnel file for reference for annual review and earned benefits.

Chapter 6.02 OVERTIME

Under the Federal Fair Labor Standards Act (FLSA), certain employees who work in a bona fide executive, administrative, professional or computer (analysis, programmer or engineer) capacity as defined by the FLSA, are not entitled to additional compensation, whether monetary or compensatory time, for hours worked in excess of forty (40) per week. Employees who are not exempt from the FLSA shall receive compensation of one and one-half (1 ½) times their normal rate of pay for every hour worked in excess of forty (40) hours per week, or they may receive compensatory time equal to one and one-half (1 ½) hours for every hour worked in excess of forty (40) hours per week. Meetings and special events which are identified and included in the employee's job description will be included in calculating the number of hours worked during a week.

If a non-exempt employee works more than forty (40) hours per week, they may be given compensatory time in lieu of additional compensation. Such compensatory time shall accrue at one and one-half (1 ½) hours for every hour worked in excess of forty (40) hours per week. However, compensatory time can only be provided if it has been agreed to by the employee and the Borough prior to overtime hours being worked. Additionally, if the employee is a member of a collective bargaining unit, then compensatory time must be provided for in the collective negotiations agreement prior to such compensatory time being provided. Use of compensatory time must be authorized in writing by the employee's Department Supervisor, or Council Liaison for a Supervisor, and it shall only be allowed when approved at least two (2) days in advance of when such time will be used. Approval is contingent upon the office or department the employee works for being adequately staffed on the day the compensation time is to be used in order to minimize disruption of Borough services. No employee may approve his/her own compensatory time off.

If a non-exempt employee is employed in two different positions within the Borough, both positions are counted towards the total number of hours worked in a normal work week. If the total number of hours in a normal work week exceed 40 hours, the employee may be offered compensatory time off at one and one-half (1 ½) times a blended hourly rate, as provided for by the FLSA.

The Borough reserves the right to rearrange a work schedule allowing an employee to leave early in order that the employee's work hours do not exceed forty (40) per week.

Chapter 6.03 LUNCH/COFFEE BREAKS

Administrative employees are entitled to a one-hour lunch break or as specified in their job description. Coffee breaks are a privilege, not entitlement. Ten (10) minute a.m. and p.m. coffee breaks may be taken and will be scheduled to ensure proper coverage for all offices. Lunch break time and coffee break time cannot be combined and/or used to make up time for late arrivals, early departures or extended lunches.

Chapter 6.04 PERSONAL BUSINESS

All employees should refrain from conducting personal business during working hours. Employees are strongly discouraged from entertaining personal visitors or making/taking personal telephone calls during work hours. Personal cell phones must be turned off during work hours.

Chapter 6.05 EMERGENCY CLOSING OF OFFICES

It may be necessary to close municipal offices because of adverse weather or other conditions. If it is necessary to delay opening of the Municipal Building, the Borough Clerk will notify the non-contractual employees what time the building will be open for business. It is the responsibility of the employee to use personal or vacation time accrued if they are unable to get to work that day.

Chapter 6.06 EMERGENCY SERVICE VOLUNTEER WORK

Employees who are volunteer members of the Kinnelon Volunteer Fire Department or the TriBoro First Aid Squad may be released from work to respond to emergency calls during working hours. They must notify their Department Supervisor in advance their intent to serve in such a capacity. Employees who respond to these emergency calls should, upon return to work, notify their Department Supervisor of the type of emergency and the length of their absence.

Employees may be permitted to volunteer for such service outside the Borough upon prior approval of the Department Supervisor and the Council Liaison.

Chapter 6.07 OTHER EMPLOYMENT

Employees are permitted to seek jobs other than their primary Kinnelon Borough employment if:

- They maintain the Borough as their primary employer and perform only job related work during regular work hours.
- Such employment does not impede the performance of their duties or conflict with their position with the Borough.

Employees may not engage in outside employment that constitutes or appears to constitute a conflict of interest.

Chapter 6.08 TIMESHEETS

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

The Department Supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative.

Chapter 7 EMPLOYEE CONDUCT/RIGHTS

CHAPTER 7.01 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 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 Personnel Committee 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 Personnel Committee.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. Meals and other entertainment valued in excess of \$25 are also prohibited. Employees are required to report to the Personnel Committee any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Chapter 7.02 POLITICAL ACTIVITY

Employees have 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 in any political activity. Any violation of this policy must be reported to the Department Supervisor or Council Liaison.

Chapter 7.03 WORKPLACE VIOLENCE

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 violence or threats made on Borough property, at 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, hostile or bullying behavior that causes 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*;
- 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.

Chapter 7.04

GENERAL ANTI-HARASSMENT POLICY

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

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

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

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough 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.

Chapter 7.05

ANTI-SEXUAL HARASSMENT POLICY

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Borough prohibits sexual harassment from occurring in the workplace or at any other location at which Borough 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 individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, 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 Borough employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough 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.

Chapter 7.06

“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. All complaints will be taken seriously and promptly investigated.

The Borough 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 Department Supervisor, Council Liaison, 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 Department Supervisor, Council Liaison or Personnel Committee. 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 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.

Chapter 7.07 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 or clothing which does not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length.

Tattoos: The Borough of Kinnelon expects all employees to exercise appropriate judgment with regard to personal appearance, dress and grooming to be most effective in the performance of their workplace duties. The Borough of Kinnelon recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice.

In keeping with this approach, the Borough of Kinnelon allows reasonable self-expression through personal appearance and will permit employees to wear jewelry or to display tattoos at the workplace, with the following prohibitions:

1. No visible tattoos on the neck, head, face.
2. No tattoos or jewelry that pose a safety hazard, such as surgically implanted ball bearings, spikes, etc.
3. No tattoos or jewelry that interfere or comprise with the employee's ability to conduct his/her workplace functions.
4. No tattoos or jewelry that could cause damage to Kinnelon property.
5. No tattoos or jewelry that compromises the productivity or performance expectations of employees.
6. No tattoos or jewelry that are offensive to co-workers, Borough residents or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature.

If the Borough of Kinnelon determines an employee's jewelry or tattoos may present such a conflict, the employee will be encouraged to identify appropriate options, such as removal or covering of jewelry and tattoos, transfer to an alternative position, or other reasonable means to resolve the conflict.

It is the goal of the Borough of Kinnelon to foster an environment of mutual cooperation, respect, and fair and consistent treatment for all employees.

Nonetheless, the Borough of Kinnelon is legally responsible for ensuring that no employees are subject to harassment or a hostile work environment. As an initial step toward resolution of any complaint or offense under this policy, Department Supervisors shall be responsible for explaining the policy and addressing employee questions and concerns. If an agreeable solution cannot be reached at that stage, the Kinnelon Borough Attorney will follow Borough procedures to resolve the issue. (5/09/16)

Chapter 7.08 TELEPHONE PROTOCOL

Department Supervisors will instruct employees in telephone usage procedures and proper telephone answering techniques, including the following:

- Answer telephones and voicemail promptly and courteously.
- Identify the department and give your name (first and/or last name)
- When taking messages, get the caller's name, telephone number including area code and a brief message. Also indicate the date and time of the call and your initials.

Chapter 7.09 REIMBURSEMENT FOR EXPENSES

Employees who receive advance approval from their Department Supervisor will be reimbursed for legitimate expenses. All requests for such reimbursement must be itemized, substantiated by receipts and provided for in the department's annual budget. All reimbursement requests must be made within one (1) month of incurring the cost.

Use of personal vehicles for Borough business is reimbursed at the rate specified by Borough policy. Use of personal vehicles must be approved by the Department Supervisor (or by the Council Liaison for a Department Supervisor) prior to incurring the cost which must be provided for in the department's annual budget.

Chapter 7.10 DRUGS AND ALCOHOL POLICY

The Borough 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 Department Supervisor to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The Department Supervisor will immediately report any reasonable suspicions to the Council Liaison and Personnel Committee.

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 intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Department Supervisors 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 Borough premises or during work hours by employees is strictly prohibited.

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

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

Employees using prescription drugs that may affect job performance or safety must notify the Department Supervisor or Personnel Committee who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Borough 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.)

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

Amendment to Chapter 7.10 Drugs and Alcohol Policy

Consistent with the guidance issued by the New Jersey Cannabis Regulatory Commission concerning workplace testing of employees based upon reasonable suspicion, behavior that provides reasonable suspicion supporting a test for controlled substances or alcohol use must be observed and documented by a supervisor/manager. If possible, the behavior should be observed and documented by two supervisors/managers. The documentation of the employee's conduct shall be prepared by the observing supervisor(s)/manager(s) within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

Supervisors/managers should consult with the Business Administrator and Labor Counsel to determine the appropriateness of testing based upon reasonable suspicion. Supervisors/managers

must also provide their observation information on the Borough's Reasonable Suspicion Observed Behavior Report.

Chapter 7.11 MEDICAL MARIJUANA

The Borough will not consider whether an employee who tests positive for marijuana use is a registrant under the New Jersey Compassionate Use Medical Marijuana Act, S. 119, 213th Leg., (N.J. 2010) when making employment decisions on the basis of marijuana use, which is strictly prohibited under this policy.

Chapter 7.12 COMMUNICATION MEDIA POLICY/SOCIAL MEDIA POLICY

The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the Borough's Communication Media for personal purposes during Borough time on Borough equipment without prior authorization from the Administration to do so.

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

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

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL

Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Borough's equipment or on the employee's own personal Communication Media.

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

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

All employees may access only data for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Borough data must be stored centrally as required by Borough. This provides greater security, and ensures backup of all Borough data is performed.

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Governing Body may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Governing Body. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Governing Body. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

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

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

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

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

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough's employment

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

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

Chapter 7.13 USE OF INTERNET

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

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

Employees who are using Internet may not:

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

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

As stated in the Communications Policy above the Borough reserves the right to monitor the employee's Internet usage. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

Chapter 7.14

NEPOTISM

The hiring, promoting, transferring, demoting or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship.

A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.
2. The relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Borough's interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Borough will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified. Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

This policy applies to all employees hired, promoted, transferred, demoted, or reassigned on or after the date of adoption and to all prohibited relationships created on or after the date of adoption.

Chapter 7.15

EMPLOYEE DATING POLICY

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

Supervisor/Subordinate Dating

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

If such a relationship exists or develops, both parties involved shall report the fact to

- Their immediate supervisor, and/or
- Borough Administrator

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

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

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee's at-will status

Chapter 7.16

ANTI-RECORDING POLICY

It is a violation of Borough policy to record conversations with a tape recorder, digital recorder or other recording device (such as a smart phone, for example) unless:

- (1) prior approval is received from your supervisor or a member of upper-level management; or
- (2) all parties to the conversation give their consent in writing prior to the recording of such conversation.

The purpose of this policy is to encourage open and frank communication amongst Borough employees, co-workers, and supervisors. Open communication is jeopardized by the fear that otherwise private conversations are being secretly recorded, which is destructive to employee morale, inimical to the value of loyalty that the Borough seeks to foster in its workforce, and threatens the confidentiality of sensitive Borough information.

Violation of this policy will result in disciplinary action, up to and including termination.

Chapter 7.17

SECURITY POLICY

The Borough makes every effort to provide for employees' safety and security while at work. The Borough, however, does not accept responsibility for the protection of employees' personal property. The Borough is not liable for loss or damage to personal property.

The Borough maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the Borough prohibits the possession, transfer, sale, or use of such materials on its premises. The Borough requires the cooperation of all employees in administering this policy. Desks, lockers, other storage devices, and Borough vehicles may be provided for the convenience of employees, but remain the sole property of the Borough. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Borough at any time, either with or without prior notice. The Borough may conduct video surveillance of Borough property to, among other things, identify safety concerns, detect theft, and discourage or prevent acts of harassment and workplace violence. Additionally, the Borough may monitor employee e-mails.

Security is everyone's responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee's responsibility to notify his or her supervisor or Department Head immediately. In the event a serious incident occurs, employees must report it to their Department Head promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a third party while on the premises.
2. Any incident in which physical force is either used by or against an employee.
3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.
4. Any incident in which a serious unfavorable reaction from the public might be expected.
5. The loss of Borough keys.
6. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees are encouraged to make any reports, in writing, so that they may be properly addressed by the Borough.

Chapter 7.18

SAFE TREATMENT OF MINORS

Purpose and Scope:

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone “under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor.”

The Borough is committed to the safety of all individuals in its community; however, the Borough has particular concern for those who are potentially vulnerable, including minor children. The Borough regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children.

The Borough is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Borough to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Borough or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Borough or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

Reporting Suspected Child Abuse/Neglect:

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

Chapter 8

MUNICIPAL FACILITIES AND EQUIPMENT

Chapter 8.01

BUILDING SECURITY

The Borough of Kinnelon will make every attempt to assure a secure building. However, because the public has access to the general office area and at times the private offices, the Borough assumes no responsibility for employees' personal property beyond maintenance of a reasonably secure building. Employees should monitor the security of their own work area or office.

Chapter 8.02 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 Department Supervisor. Any on-the-job accident or accident involving Borough facilities, equipment or motor vehicles must also be immediately reported to the Department Supervisor.

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.

Chapter 8.03 USE OF BOROUGH VEHICLES, EQUIPMENT/SUPPLIES

Vehicle Procedures: Employees assigned vehicles or Department Supervisors whose units are assigned vehicles are responsible for ensuring vehicles are clean, in good operating condition, serviced according to the established preventative maintenance schedule and inspected by the Division of Motor Vehicles as required.

Current insurance cards will be provided by the Borough Clerk and placed in vehicle glove compartments by the employee or Department Supervisor responsible for that vehicle. It is the operator's responsibility to be sure the current vehicle registration and insurance card are in his/her possession.

Department Supervisors shall control the use of vehicles, which have been assigned to their work unit. Vehicles shall be used for official, work-related activities only, except where provided for otherwise by contract or prior agreement with the Governing Body. Only authorized persons may be transported in Borough vehicles. Unauthorized personal use of vehicles is prohibited and shall be cause for disciplinary action and/or termination of employment.

Any employee who drives their own or a Borough vehicle while on Borough business must possess a current, valid driver's license. Suspension or revocation of the driver's license must be immediately reported to the Department Supervisor and the Borough Clerk. Loss of driving privileges may result in termination of employment if driving is an integral part of the job.

Any damage to Borough vehicles must be reported in writing to the Department Supervisor who shall notify the Borough Clerk by the end of the next working day. Any employee found to be negligent in the operation of a Borough vehicle may be subject to disciplinary action.

No Smoking in Borough Vehicles: Smoking in Borough vehicles is prohibited.

Mandatory Use of Seatbelts: All employees driving municipal vehicles or another vehicle on Borough business are required to wear seat belts and assure that any passengers also do so, in compliance with State Law. All employees driving municipal vehicles or another vehicle on Borough business are required to wear seat belts and assure that any passengers also do so, in compliance with State Law.

Department Supervisors are responsible for enforcement of this policy and must supervise and discipline employees in the use of seat belts. Failure to use seat belts may result in disciplinary action against the driver failing to use seat belts and his/her Department Supervisor.

Other consequences to the driver of a vehicle in which the use of seat belts is ignored may be:

- loss of workmen's compensation claim or related benefits;
- they may be required to indemnify the Borough;
- in recovery suits, they may be precluded from or limited to partial recovery.

Use of Borough Equipment and Supplies: Borough equipment and supplies assigned to employees are the responsibility of those employees and are to be used for Borough business only. Unauthorized use, or removal, of Borough equipment and/or supplies shall be cause for disciplinary action and/or termination of employment. Use of Borough equipment and/or supplies that violates departmental rules and regulations shall be cause for disciplinary action and/or termination of employment.

Chapter 8.04 SMOKE-FREE BUILDINGS

In compliance with New Jersey State law, smoking is not permitted in the Municipal Building.

Employees must limit their time to smoke to an aggregate of ten (10) minutes in the morning and ten (10) minutes in the afternoon. Smoking time will replace time allocated for coffee breaks. It is the responsibility of every Department Supervisor to monitor his/her department's use of the smoking area.

Chapter 8.05 VIDEO SURVEILLANCE

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

The Borough's video surveillance camera system are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objective of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use on of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission from the designee of the Borough.

The Borough shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

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