

Policies & Procedures Manual

The Borough of Watchung
New Jersey

Adopted by Watchung Borough Council
December, 2004

THE PERSONNEL POLICIES AND PROCEDURES CONTAINED IN THIS MANUAL ARE GUIDELINES ONLY. THERE IS NO PROMISE OR GUARANTEE THAT THE BOROUGH OF WATCHUNG WILL USE THE PERSONNEL POLICIES OR PROCEDURES CONTAINED IN THE HANDBOOK. IN ADDITION, THE BOROUGH OF WATCHUNG REMAINS FREE TO CHANGE ANY EMPLOYMENT BENEFIT OR OTHER CONDITION OF EMPLOYMENT AT ANY TIME. IT IS IMPORTANT THAT YOU UNDERSTAND THAT NOTHING IN THIS MANUAL CONSTITUTES A PROMISE OR GUARANTEE AS TO THE TERMS AND CONDITIONS OF YOUR EMPLOYMENT WITH THE BOROUGH OF WATCHUNG.

IN ADDITION, NOTHING IN THIS MANUAL CONSTITUTES A PROMISE OR GUARANTEE AS TO THE DURATION OF YOUR EMPLOYMENT WITH THE BOROUGH OF WATCHUNG. JUST AS YOU ARE FREE TO LEAVE YOUR EMPLOYMENT WITH THE BOROUGH AT ANY TIME FOR ANY REASON, WATCHUNG BOROUGH HAS THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME, WITH OR WITHOUT PRIOR NOTICE AND WITHOUT CAUSE. THIS IS KNOWN AS EMPLOYMENT AT WILL. ALL EMPLOYEES OF THE BOROUGH OF WATCHUNG ARE EMPLOYEES AT WILL.

This Manual may be changed or revised at any time by the Borough. Such changes can be made only by the issuance of written manual revisions. Any statement, whether written or oral, that conflicts with anything contained in this Manual is not binding upon
The Borough of Watchung.

This Manual is confidential Borough property and is not to be disseminated to third parties.

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GENERAL PERSONNEL POLICY:

It is the policy of the Borough of Watchung 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 Watchung shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. In the event there is a conflict between these rules and any personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Council. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Borough of Watchung as well as the necessary budget appropriation and salary ordinance.

The Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough of Watchung has appointed the Administrator to implement personnel practices. The Administrator shall also have access to the Employment Attorney appointed by the Borough for guidance in personnel matters.

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

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

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

5-12.1 Adoption

The Borough Council hereby declares this to constitute the personnel policy of the Borough of Watchung. The information in this Personnel Policy and Procedures Manual is intended to serve only as a guide or summary digest of Borough policies, rules, regulations and benefits. No promise of any kind by the Borough is made in this manual.

5-12.2 Amendments

A. Amendments to this manual of personnel policies and procedures, as deemed necessary, may be made from time to time by resolution of the Mayor and Council after consultation with the Administrator and department heads as appropriate.

B. This manual and copies of the amendments thereto shall be distributed to all supervisory employees who are responsible for attaching all such amendments to their copies of the manual.

5-12.3 Declaration of Purpose

It is the purpose of this manual to establish a system of uniform and appropriate personnel policies and procedures to allow for consistent and fair treatment of all employees and to provide employees with a reference for the stated policies and procedures of the Borough. The elements set forth in this manual shall best enable the Borough of Watchung to attain the following goals:

A. Seek and obtain for each position the best-qualified person available.

B. Provide all employees with proper supervision, instruction and working conditions so that they may render the best possible service.

C. Base promotion and job security on ability, performance, experience, character, and job attitudes.

D. Make the best possible use of employee skills and abilities and consider qualified Borough employees first when there is an opportunity for advancement.

E. Treat every employee with respect and consideration.

F. Expect each employee consistently to perform to the best of his or her ability, to be conscientious in his or her work, to conduct him or herself appropriately and to treat others with respect and courtesy.

G. Stimulate the self-betterment of each employee and encourage him or her to seek all possible means of increasing his or her value to the community.

H. Pay fair and adequate salaries or wages for each position and, in return, to expect a consistently good job.

I. Impress on all employees that at all times they are serving the taxpayers of the community.

J. Promote in each employee a feeling of pride and job satisfaction in the service of the Borough of Watchung.

5-12.4 Relationship to Other Agreements

A. This manual includes the policies and procedures which govern and affect personnel administration for all departments within the jurisdiction of the Borough of Watchung, except to the extent that state or federal statutes, rules or regulations, or Borough ordinances and regulations adopted pursuant thereto, or contractual agreements entered into by the Borough otherwise provide. To that extent, the provisions of said statutes, rules, regulations, ordinances, and agreements shall prevail.

B. This manual is not intended to abrogate, supersede or conflict with:

- (1) Statutes of the United States or the State of New Jersey;
- (2) Rulings formulated by the New Jersey or United States Courts which have not been overruled and are pertinent to the matter; or
- (3) Contracts negotiated on behalf of Borough employees by recognized labor unions.

5-12.5 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

A. (1) Employee - An individual who is appointed to a paid position authorized in the current Borough operating budget and who is paid through the Borough payrolls.

(2) Department Head or Supervisor - The chief official of the department or organization unit, respectively.

(3) Regular Part-Time Employee - All Borough employees with unscheduled hours, or who work less than thirty-five (35) hours per week, and who have satisfactorily completed the introductory period of six (6) months as defined by Section 5-12.75.

(4) Regular Full-Time Employee - All employees who

(a) have satisfactorily completed the introductory period of six (6) months as defined by Section 5-12.75, and

(b) have been recommended by their department head for regular status, and

(c) been approved for regular full-time employment by the Borough Administrator, and

(d) who work at least thirty-five (35) hours per week as appropriate in his or her department, and as is established in Section 5-12.80(A).

(5) Introductory Employee -

(a) All Borough employees having completed less than six (6) months full-time or part-time employment for the Borough and who shall not have been given regular at-will status as provided above.

(b) All Borough employees put on a fixed-term probationary period as a result of disciplinary action.

(6) Seasonal Employee - Part-time employees receiving payment for services on an hourly basis whose duties do not require that they work for the Borough during each month of the calendar year and who do not, in fact, perform services for the Borough during each month of the calendar year.

In addition to the above categories, all employees are designated as either exempt or non-exempt as defined below.

B. (1) Exempt Employees - Those employees whose position primarily includes managerial or professional duties of a non-manual nature. Service of such employees to the Borough beyond the normal working hours established in Section 5-12.80(A) shall not be compensated for on an hour-for-hour basis. Exempt employees include department heads and the Administrator.

(2) Non-Exempt Employees - Those employees whose position includes primarily manual, repetitious, clerical or technical duties and who are not ordinarily expected to provide services to the Borough beyond the normal working hours without additional compensation based upon the amount of overtime hours actually worked.

A non-exempt employee shall be eligible for overtime compensation in accordance with the provisions of this manual. Non-exempt employees include deputy department heads, clerical employees, and all other employees not encompassed in the definition of exempt employees above. The Principal Public Works Manager shall be considered a non-exempt employee for compensation purposes.

C. Base Salary Or Wage Rate - The salary or wage rate paid an employee for services rendered, exclusive of additional compensation such as: travel or uniform allowances, overtime pay, employee benefits, or other pay increments which are not directly related to the position of the employee.

(1) Base salaries shall be computed as annual pay rates.

(2) Base wages shall be computed as hourly pay rates.

5-12.6 Immigration Law Compliance

The Borough of Watchung is committed to employing only United States citizens and aliens who are authorized to work in the United States. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Borough of Watchung.

5-12.7 Management Rights

The Borough reserves all powers, rights, authority, 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:

- A. To manage and control the affairs of the Borough of Watchung and its properties and facilities, the operation of its departments, and the activities of its employees.
- B. To hire all employees, and subject to the provision of law, to determine their qualifications and conditions for continued "at will" employment and assignment, and to promote, transfer, demote, dismiss, and discipline.
- C. To establish and regulate any working condition not covered by a collective bargaining agreement.
- D. To make rules of procedure and conduct, to use improved methods and equipment, to determine reasonable work schedules and shifts, and to decide the number of employees needed.
- E. To establish reasonable rules and regulations to maintain order, safety, and effective operation of the Borough.

5-12.8 Role of the Borough Administrator

- A. The Borough Administrator is the chief administrative, and personnel officer. He or she is responsible for developing, promulgating, and implementing sound administrative and personnel practices and procedures for all departments, offices, boards, commissions, employees and other entities of the Borough.
- B. The Administrator shall study, recommend, implement, and enforce the policies and procedures of the Borough.

C. (1) The Administrator, serving as Personnel Officer, shall maintain sound personnel practices and appropriate records of all employees.

(2) The Administrator shall have the authority to hire, to implement disciplinary actions such as probation, suspension and discharge an employee from service.

5-12.9 Department Heads

A. A department is an agency, office, or operational unit of the Borough consisting of one or more employees.

B. A department head is a Borough official with designated responsibility for the operation of a Borough department. They shall be responsible for:

(1) Ensuring that work performed by employees in their respective departments is conducted efficiently and economically;

(2) Ensuring that Borough rules, regulations, and policies are complied with in their respective departments.

(3) Offering input on hiring and managing employees, with the assistance and guidance from the Borough Administrator.

C. The following positions shall be considered department heads:

Borough Administrator

Borough Clerk

Chief Finance Officer

Chief of Police

Construction Official

Court Administrator

Director of Welfare and Social Services

Engineer

Recreation Director

Tax Assessor

D. All department heads, by the nature of their responsibilities and duties shall be considered exempt employees as defined below in Section 5-12.5 B.(1). In addition to the department heads, the following positions shall be considered exempt.

Tax Collector

Zoning Officer

E. The Principal Public Works Manager shall be considered a Department Head with Non-Exempt status for the purpose of salary and overtime compensation.

5-12.10 Relationship with Police Department Employees

A. Except as otherwise specifically provided herein, the personnel of the Watchung Police Department who are covered by the Police and Firemen's Retirement System

and are governed by an Ordinance to Establish, Maintain, Regulate and Control the Police Department in the Borough of Watchung (Chapter 3, Police Department), and any amendments or revisions thereof; by the duly approved rules, regulations and orders governing said Department from time to time promulgated thereunder; and by the yearly negotiated police contract shall be exempt from this ordinance.

B. Police Dispatchers

(1) Dispatchers shall be subject to the rules and regulations of the Police Department and the Borough personnel policy. Vacation and sick leave benefits shall be in accordance with these policies.

(2) Dispatchers shall be entitled to the same holidays as those of the Police Department pursuant to the PBA contract. Dispatchers shall also have as holiday the Friday immediately following Thanksgiving Day and the last working day prior to Christmas.

(3) Dispatchers will be provided with a uniform allowance. The amount of said allowance is within the discretion of the Borough Council.

5-12.11 At-Will Employer Statement

A. All employees are “employees at will” unless an employee has tenure in office in accordance with N.J.S.A. 40A:9-161 or any other applicable statute or ordinance. Nothing in this personnel policy shall be construed to create an employment contract between the Borough and any employee. This policy shall apply to all compensated employees of the Borough, both appointed and elected, except where contracts with bargaining units take precedence.

Employee “at will” means that the Borough Council, in and of itself, or through its agents, controls the employment status of the employee.

B. Nothing in this manual or any other manual or handbook or in any policy, rule or regulation of the Borough shall (1) constitute a contract of employment or a contract or agreement for a definite or specified term of employment; (2) constitute any inducement for employment; (3) limit or otherwise restrict the right of the Borough or its employees to terminate the employment relationship at any time, with or without cause and whether or not the Borough has complied with applicable procedures and regardless of the effect such termination shall have on the employee’s benefits; or (4) limit the right of the Borough, at its sole discretion – without having to consult with anyone and without anyone’s agreement – to change wages, or any working conditions or to create, eliminate or modify any benefit, policy, manual, handbook, rule or regulation of the Borough at any time from time to time.

Employment Practices

5-12.12 Anti-Discrimination Policy:

The Borough of Watchung is committed to the principle of equal employment opportunity pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972. Under no circumstances will the Borough of Watchung discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, disability, or sexual orientation, atypical hereditary cellular or blood traits, liability for service in the armed forces of the United States, or being a disabled veteran, or other non-merit factors. Age shall be a valid factor for employment only where it is required for the position by law and where it is lawfully an occupational requirement.

Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. This policy shall be applied to all phases of employment including but not limited to recruitment, selection, appointment, placement, promotion, and working conditions. Furthermore, this policy applies to any personnel action including, but not limited to, layoffs, recalls, discharge, disciplinary actions, and performance evaluations.

If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, the Administrator.

5-12.13 Americans with Disabilities Act Policy:

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Borough of Watchung does not discriminate based on disability. The Borough of Watchung will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

The Borough Council shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations that do not create a hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. The Act does not require the Borough of Watchung to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be

eligible for accommodations, individuals must (1) be able to perform the essential functions of the position, (2) not create a real safety hazard to themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. The Borough Council shall make all decisions with respect to accommodations.

5-12.14 Contagious or Life Threatening Illnesses Policy:

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

Medical information shall be treated confidentially. The Borough of Watchung will take reasonable precautions to protect such information from inappropriate disclosure. 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.

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

5-12.15 General Anti-Harassment Policy:

The Borough of Watchung will not tolerate harassment in the work place including harassment motivated by sex, race, creed, color, religion, national origin, ancestry, age, nationality, marital or political status, disability or sexual orientation. Borough of Watchung officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to harassment must report the harassment to their supervisor, or if they prefer to the Administrator. See Employee Complaint Policy, Section 5-12.19

5-12.16 Prohibition of Harassment and Discrimination:

The Borough of Watchung is committed to providing a professional and productive work environment free from all forms of unlawful discrimination and harassment. Unlawful harassment and discrimination will not be tolerated in the workplace.

Harassment is conduct, whether verbal or physical, that disrupts the normal working environment and/or interferes with any individual performing his/her responsibilities.

5-12.17 Sexual Harassment Policy:

Sexual harassment is a form of employee misconduct that is demeaning to another person and undermines the integrity of the employment relationship. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or
- B. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or
- C. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
- D. Such conduct creates an intimidating, hostile, or offensive work environment.

Actions, words, jokes or comments of a sexual nature or based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

All employees are expected to conduct themselves in a professional manner and to treat others in a professional manner. Any person found to be engaging in unlawful harassment will be subject to disciplinary action, up to and including termination.

5-12.18 Sanctions

Harassment or discrimination is a serious violation of the work rules of this Borough and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall include, but are not limited to, the following:

- A. Counseling and a formal written reprimand;
- B. Counseling, a formal reprimand, and a minimum five (5) day suspension without pay;

- C. Counseling, a formal reprimand, and a transfer to a different work area;
- D. Counseling, a formal reprimand, and placement on probation;
- E. Termination.

5-12.19 Procedure for Filing a Complaint

A. (1) Any employee who believes that another employee is engaging in harassment or discrimination is encouraged to file a complaint as soon as possible after the event.

(2) All complaints of harassment or discrimination shall be filed either with the immediate supervisor or the Borough Administrator. If the supervisor or the Borough Administrator are not available, or the employee believes it would be inappropriate to make a report to that person, the employee should file the complaint with the Chairperson of the Administrative Committee.

(3) No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so.

B. Complaints filed under this policy shall be promptly and thoroughly investigated by a designee of the Borough Administrator.

C. Upon completion of the investigation, the designee shall prepare a comprehensive report addressing all the allegations in the complaint and objectively documenting all relevant factual findings of the investigation.

D. (1) The investigative report shall be presented to the Borough Administrator upon completion, no later than fifteen (15) days after the receipt of the complaint.

(2) This time requirement may be extended by the Borough Administrator in writing, upon request of the investigator for such an extension and with approval of all parties. The extension shall be no longer than 10 days.

E. In the interest of protecting both the complainant and the accused, confidentiality will be of utmost priority. The investigation will be kept confidential except to the limited extent necessary to investigate the allegations.

5-12.20 Hearing

A. (1) Upon receipt of the completed investigative report, the Borough Administrator shall conduct an administrative hearing at which the report shall be presented and considered.

(2) Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription of the proceedings that shall serve as the official record of the hearing.

B. (1) The accused employee shall be notified, in writing, at least ten (10) days before the hearing, of the complaint and underlying allegations.

(2) The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel. The delay occasioned by such request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.

C. (1) The accused employee shall be entitled to attend the hearing and testify in his or her own behalf, and shall be entitled to confront and cross-examine the employee who filed the complaint.

(2) In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint shall be dismissed and the accused deemed innocent of the allegations.

D. The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence that bears upon the issues presented by the complaint and investigative report.

E. A finding of guilt must be supported by substantial, credible evidence that:

(1) The facts alleged by the complainant are true; and

(2) Those facts constitute harassment or discrimination as defined in Section 5-12.16 of this manual; and

(3) The accused is the person who committed the acts amounting to harassment or discrimination.

F. (1) At the conclusion of the hearing, or within five (5) days thereafter, the Borough Administrator shall make findings concerning the innocence or guilt of the accused of the offense of harassment or discrimination.

(2) The accused and the complainant will be notified in writing of the outcome of the hearing immediately upon determination being made following the hearing. Copies of such records will be placed in the employees' personnel history file.

G. (1) If the conclusion of the investigation and hearing is that the accused is found to be guilty, immediate disciplinary action will be taken and the Mayor and Council will be notified.

(2) If the investigation and hearing reveal there is no basis to the harassment or discrimination claim, the policy will be reiterated to the parties involved.

H. Whatever the result of the hearing, a follow-up investigation will take place to insure that there has been no retaliation on the part of either party involved.

5-12.21 Responsibility

Each supervisor has a responsibility to maintain the work place free of harassment and discrimination. This duty includes discussing the policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative treatment.

5-12.22 False Accusations

Each complaint filed of harassment/discrimination will be taken seriously by the Borough. Due to the serious and private nature of this offense, false accusations of harassment/discrimination are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

5-12.23 Workplace Violence Policy:

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

Prohibited conduct includes:

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

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

5-12.24 “Whistle Blower” Policy:

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

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

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

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

5-12.25 Political Activity Policy:

A. It shall be the policy of the Borough of Watchung to exercise all personnel actions, including but not limited to appointment, promotion, discipline, and dismissal, without regard to political considerations.

B. Employees of the Borough of Watchung shall serve all Watchung Borough residents equally. The political opinions or affiliations of any residents shall in no way affect the amount or quality of service the resident(s) receives from the Borough.

C. Employees shall not engage in partisan political activity on Borough time.

D. Employees shall not directly or indirectly use or seek to use the authority or influence of their positions to control or modify the political action(s) of another person.

E. No employee shall be interested, directly or indirectly, in any contract with the Borough, or in the compensation for goods and services furnished to the Borough or any contractor furnishing same to the Borough unless the Council deems by resolution that such action is in the best interest of the Borough. Similarly, no employee shall participate in any profits of such parties or receive any gift or other reward for actions related to such activities.

F. Nothing in this section shall be construed to prevent Watchung Borough employees from becoming or continuing to be members of any political party, club or organization, attending political meetings or expressing partisan political views or circulating petitions on public questions outside of working hours and off Borough property. Nor shall employees be prevented from voting with complete freedom in any election.

5-12.26 Conflict of Interest/Outside Employment Policy:

A. 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.

B. The Borough of Watchung recognizes the right of employees to engage in outside activities that are private in nature and unrelated to the borough's 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 Clerk a state mandated disclosure form. The Clerk will notify employees and borough officials subject to the filing requirements of the Act.

C. 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 Administrator to obtain clarification.

D. 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 Administrator may request employees to restrict outside employment if the quality of borough work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough of Watchung must submit a written notice of these outside interests to the Administrator.

E. Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their borough duties. Under no circumstances may they accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Watchung or any person or firm seeking to influence borough decisions. Meals and other entertainment valued in excess of \$100.00 are also prohibited. Employees are required to report to the Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Workplace Procedures

5-12.27 Purpose

The orderly and efficient operation of the Borough government requires that certain employee work rules and standards be established and known to all employees. Rules covering standards of personal conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service, and to protect the Borough and its property.

5-12.28 Administrative Responsibility

The Borough Administrator is responsible for implementing and enforcing personnel policies of the Borough of Watchung. The Administrator may recommend changes in policy and procedures to the Mayor and Council as she or he sees fit.

Upon recommendation of the Borough Administrator, the Mayor and Council may make amendments to the policies and procedures in this manual as appropriate.

5-12.29 Employee Work Rules

The following work rules and standards shall apply to all Borough employees. The Borough shall establish and apprise employees of additional rules as appropriate to ensure the effective operation of the Borough government. Failure to observe the rules promulgated below may be considered grounds for disciplinary action.

5-12.30 Work Standards

In addition to professional standards of job performance expected of employees in various positions, the following minimum work standards shall apply:

- A. Employees shall not restrict, delay, interrupt, or interfere with the work of others.
- B. Employees shall report for and remain at work only in a fit physical condition, as determined by their supervisors.
- C. Employees shall not neglect their duties and responsibilities or refuse to perform assigned work.

D. Employees shall not engage in immoral conduct, engage in horseplay, gamble, or use loud or abusive language while on duty or on Borough property.

E. Employees shall be responsible for and shall not misuse Borough records or other materials in their care, custody, or control. Borough property, records, or other materials shall not be removed from the premises without prior written authorization by the Administrator.

F. Employees shall deal with the public and other employees in the Borough service in a courteous and professional manner.

G. Except for police officers acting in a required capacity, employees shall not possess firearms or weapons during working hours or on Borough property without prior approval of the Administrator.

H. Employees shall not engage in the use of intoxicating beverages or unprescribed narcotic drugs during working hours, during lunch hours, or on Borough property. Employees shall not report to work under the influence of such beverages or drugs.

I. Employees shall not falsify records or reports, or claims of illness or injury.

Infractions of these work standards will result in disciplinary action up to and including termination.

5-12.31 Safety Policy:

The Borough of Watchung is committed to providing a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough of Watchung 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 expected to work safely, wear required safety equipment, observe all posted safety rules and regulations and state law, and to keep their work area neat and clean. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Borough of Watchung facilities, equipment or motor vehicles must also be immediately reported.

Employees who violate safety standards or state laws, who cause hazardous or dangerous situations, or who fail to report such situations may be subject to disciplinary action up to and including termination.

The Borough of Watchung 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.

5-12.32 Reporting Accidents Policy:

All accidents, whether of a major or minor nature, must be reported immediately to the employee's supervisor, who, in turn, must report the injury or accident to the Borough Administrator as soon as possible. Any hazard or condition that might jeopardize the health and safety of the public or employees must also be reported upon discovery.

5-12.33 Use of Drugs and Alcohol Policy:

The Borough of Watchung has a strong commitment to the health, safety and welfare of its employees, their families, and the residents of Watchung. Our commitment to maintaining a safe and secure work place requires a clear policy and supportive programs relating to the detection, treatment, and prevention of substance abuse by employees.

This policy applies to all employees of the Borough of Watchung while on the job and to situations where employees' off-the-job or off-premises conduct impairs work performance or undermines the public confidence in, or harms the reputation of, the Borough.

5-12.34 Goal

It is the goal of the Borough to provide a safe work place by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees and the taxpayers of Watchung.

5-12.35 Definitions

A. (1) The term **ILLEGAL DRUG** means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any county and federal, state and local laws and regulations in the United States.

(2) Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are considered to be illegal drugs. Examples include street drugs such as cocaine, heroin, and marijuana; and controlled substances such as amphetamines, methamphetamines, and barbiturates.

B. The term **CONTROLLED SUBSTANCE** includes prescribed drugs not being used for prescribed purposes or in a prescribed manner.

5-12.36 Sanctions

The Borough will not tolerate or condone substance abuse. Any employee who engages in the sale, use, possession, or transfer of illegal drugs or controlled substances, or who offers to buy or sell such substances; the use of alcohol during working hours; or the abuse of prescribed drugs will be subject to disciplinary action up to and including termination.

5-12.37 Employee Responsibility

The Borough believes that each employee has the responsibility to:

- A. Report to work at all times free of alcohol or other drugs and their effects;
- B. Seek assistance for alcohol and other drug abuse related problems through an approved program before job performance is affected; and
- C. Support the Borough's efforts to eliminate alcohol and other drug abuse among employees where it exists.

5-12.38 Assistance for Employees Policy:

Early recognition in treatment of alcohol addiction, illegal drug use or controlled substance abuse is important for successful rehabilitation, return to productive work and reduced personal, family and social disruption.

A. Self-referral

(1) Employees with alcohol addiction, personal drug or controlled substance abuse problems should request assistance from his or her department head.

(2) Assistance shall be provided on a confidential basis, and each employee will be referred to the appropriate treatment and counseling services.

(3) Employees who voluntarily request assistance in dealing with alcohol, drug or controlled substance abuse problems will do so without jeopardizing their continued employment with the Borough.

B. Borough Referral

(1) Employees who test positive for alcohol, illegal drug use or controlled substance abuse and who are referred, at the Borough's request, for counseling or treatment will be limited to one opportunity for counseling or treatment to cease the use of illegal drugs or on-the-job alcohol use.

(2) A second positive test for the use of illegal drugs or on-the-job alcohol use will result in immediate termination.

5-12.39 Authorized Use of Prescribed Medicine Policy:

A. An employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his or her physical or mental ability must report this treatment to the Borough Administrator.

B. The Borough Administrator, in consultation with the department head, will determine whether the Borough should temporarily change the employee's job assignment during the period of treatment.

5-12.40 Testing for Illegal Drug Use Policy:

A. (1) The Borough will test all applicants, both new and re-hires. The Borough requires that every newly hired and re-hired employee be free of alcohol, illegal drug use and controlled substance abuse.

(2) Each offer of employment will be conditioned upon the successful completion of the test for illegal drugs and controlled substances as prescribed by the Borough.

(3) Any applicant who tests positive in the pre-employment drug test shall be rejected and shall be ineligible for hire for twelve (12) months unless the applicant has adequately established a legal basis for the use of drug or controlled substances with respect to which the applicant tested positive.

B. Applicants and employees subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the Borough Administrator and authorizing the disclosure of the results to any other persons the Borough Administrator determines needs to know for the safety and welfare of the other employees and the residents of Watchung.

C. Whenever the Borough, during the course of an investigation by the Borough Administrator, has reasonable suspicion that an employee is under the influence of alcohol or drugs, then the following procedure shall immediately be applied:

(1) An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be instructed to wait for a reasonable amount of time until an authorized Borough representative can transport the employee from the work site.

(2) The employee shall be transported to a local medical facility with a certified laboratory where a drug and/or alcohol test would be required.

(3) If an employee refuses to sign the approved form agreeing to the testing, he or she may be subject to disciplinary action for insubordination.

D. The Borough will afford the applicant and/or employee subject to testing the opportunity, prior to testing, to list all prescription and non-prescription drugs and controlled substances they have used and to explain the circumstances surrounding the use of such drugs and controlled substances.

E. (1) The Borough's officers, employees, agents and representatives may use such information in connection with the Borough business and for purposes of employment and disciplinary actions.

(2) The Borough shall disclose such information when required to government agencies and to others upon valid legal requests, legal proceedings, and other situations to protect the interests of and otherwise in accordance with policies on employee data.

F. The Borough, prior to taking any action, will give all employees who test positive the opportunity for a hearing before the Borough Council. Adequate notice of said hearing will be given the employee prior to the hearing.

G. The Borough will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all governments.

5-12.41 Random Drug Testing Policy:

The Borough of Watchung asserts its legal right to test any employee for alcohol or drug use. An employee's cooperation with a drug or alcohol test may be required as a condition of employment. Refusal to submit to such tests constitutes a violation of policy and is grounds for adverse employment action, up to and including termination. Refusal of a drug or alcohol test will be considered by the Borough to be equivalent to a confirmed "positive" test.

A drug or alcohol test may be required:

1. Of any employee where there exists reasonable suspicion to believe the employee is acting in an impaired or unsafe manner, or has engaged in the misuse or unlawful use of alcohol, drugs or controlled substances. Without limitation, employees are advised that an accident or injury may be the basis of this suspicion, as might erratic or unusual behavior exhibited by the employee during business or non-business hours.

2. As part of occasional follow-up testing if the employee is found to have breached these policies but has been permitted to remain employed.

3. Randomly, whenever an employee is working in a job classification that has been designated by the Borough as a "safety risk" job classification for purposes of this policy.

4. If such test is either required or permitted by any law or government regulation.

5-12.42 Hearing

- A. Upon receipt of the completed investigative report by the Borough Administrator, the Borough Council shall conduct a hearing with notice to the employee.
- B. (1) The accused employee shall be notified, in writing, at least ten (10) days before the hearing of this matter.
(2) The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel, however, the delay occasioned by such request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.
(3) It is recommended that the accused employee seek legal counsel.
- C. The accused employee shall be entitled to attend the hearing and testify in his or her own behalf. If allegations were made by another employee, the accused employee shall be entitled to confront and cross-examine the employee who reported the drug use.
- D. The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence that bears upon the issues presented by the investigative report.
- E. At the conclusion of the hearing, the Borough Council shall have the sole discretion to impose discipline, which may include the termination of employment of such employee.

5-12.43 Smoking Policy:

In accordance with the law of the State of New Jersey, smoking shall be restricted as follows:

- A. Smoking is prohibited by employees during face-to-face contact with citizens, applicants, and the general public.
- B. Smoking is prohibited by employees and elected officials and the general public at all public meetings.
- C. Smoking is prohibited in all corridors, lobbies, landings, restrooms, assembly and meeting rooms and basements of Borough property.
- D. Smoking is prohibited in all offices to which the public is invited to conduct regular business, including but not limited to the Tax Collector's Office, Municipal Court Office, and the Administrator's Office.
- E. Smoking is prohibited in all Borough vehicles.

- F. (1) Employees who desire to smoke may do so outside of the building.
 - (2) An employee leaving the work area to smoke may not leave his or her office unattended.
 - (3) Smoking shall not interfere with the employee's productivity.
- G. Any employee who violates this policy shall be subject to disciplinary action as outlined in Section 5-12.86 of this manual.

5-12.44 Work Hours Policy:

- A. Work hours for all full-time employees shall be consistent with the hours specified in Section 5-12.80 of this manual.
- B. Work hours for part-time and seasonal employees shall be established by the department head and the Borough Administrator and shall be adhered to as agreed upon unless the employee makes prior arrangements with the Administrator.
- C. The work week shall be defined as a seven-day period beginning at 12:01 a.m. on Monday and ending at 12:00 p.m. on the following Sunday.

Employees must be at their designated work area on time and ready to work at that time.

5-12.45 Dress Standard Policy:

- A. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image that the Borough of Watchung presents to its customers and visitors.
- B. Borough employees are required to present themselves in a neat and orderly business manner. Wearing clothing that is tattered, dirty or displays inappropriate or slang statements is unacceptable. Employees are to dress in a manner appropriate to the work performed.
- C. Uniforms and safety equipment, when provided by the Borough, must be worn and maintained by employees.

5-12.46 Use of Borough Systems (Electronic Communications) Policy:

- A. Employees are responsible for taking care of any equipment assigned to them. Employees of the Borough of Watchung shall not remove, or in any way assist in the

removal of supplies, material, goods, information or equipment belonging to the Borough from its property, unless the Borough Administrator has authorized such removal.

B. Personal telephone calls. It is expected that Borough employees will:

(1) Restrict personal calls during business hours to emergency calls only.

(2) Confine personal calls to lunch periods unless an urgent personal situation arises.

(3) Spend as little time as possible on any personal call made during business hours.

(4) Call collect or use a telephone calling card when making long distance calls.

C. The use of Watchung Borough paid postage for personal correspondence is not permitted.

D. The use of Borough copying equipment, computers, fax machines, etc., for personal use is not permitted.

E. Electronic Communication such as E-mail and Internet use is provided to enable employees to better communicate and research information for business purposes. Each employee is responsible for ensuring the use of electronic communication in an effective, ethical and lawful manner.

(1) Every employee is responsible for the content of all text, audio or images they place or send over electronic media. Fraudulent, harassing, derogatory or obscene messages are strictly forbidden.

(2) All communications and information transmitted by, received from or stored in the Borough's electronic systems are Borough records and property of the Borough. Employees have no right of privacy in any matter stored in, created, received, or sent over the Borough's systems. The Borough, in its discretion, reserves and may exercise the right to monitor, access, retrieve and delete any matter stored in, created, received, or sent over the electronic communication systems, for any reason and without the permission of any employee.

(3) This policy applies during business and non-business hours and applies to internal as well as external communications.

(4) Violations may result in disciplinary action up to and including termination. If necessary, the Borough will advise appropriate legal officials of any illegal violations.

5-12.47 Attendance and Punctuality Policy:

A. Punctuality in public service is of the utmost importance. Tardiness shall be recorded on the attendance report/time sheet. Overall attendance and punctuality is an important factor in determining overall job performance.

B. Chronic or recurring tardiness shall be reported to the Administrator for consultation with the Mayor and Council regarding appropriate action. Tardiness can

create a hardship for the Department and Borough; therefore, chronic or recurring tardiness may result in disciplinary action up to and including termination.

C. Employees shall report to their supervisor their inability to report to work as scheduled and the reason for failure to report to work no later than fifteen (15) minutes after the start of the workday.

D. Employees who recognize that they will be late in returning from lunch shall notify the Borough Administrator immediately and report both the reason for lateness and the expected arrival time.

5-12.48 Time and Attendance Records Policy:

A. Complete and accurate attendance reports are necessary for efficient payroll and personnel management operations. All Borough employees are required to accurately record the days and hours worked on attendance report forms provided by the Borough.

(1) Employees must record the beginning and ending time of any split shift or departure from work for personal reasons.

B. Employees shall not alter or sign another employee's attendance report.

C. Department heads shall be responsible for certifying the accuracy of attendance reports submitted by employees of their respective departments.

D. All time sheets are to be filed with the appropriate department head and shall be checked by the Borough Administrator before being forwarded to the Borough treasurer.

E. Time sheets are to be filed no later than the Wednesday following the workweek. A payroll check will not be issued to an employee for whom no time sheet has been submitted.

5-12.49 Absences Policy:

A. (1) Scheduled absences such as vacations, personal absence time, jury duty and compensatory time off shall be scheduled in advance with the employee's department head and the Administrator.

(2) All requests must be submitted on the Borough's Leave Request form to the employee's department head.

B. (1) All unscheduled absences shall be reported immediately by the employee to his or her supervisor or to the Administrator.

(2) Failure to report unscheduled absences shall constitute an unexcused absence and may result in disciplinary action up to and including termination as well as loss of benefits for which the employee would otherwise be eligible.

C. (1) Unexcused absences shall be charged against employee's accrued compensatory time, personal absence time, and vacation time in that order. If the employee has not accrued any time off, there will be an appropriate payroll adjustment.

(2) Unreported or unexcused absences shall constitute grounds for disciplinary action up to and including termination.

D. (1) Unexcused absences for three (3) consecutive working days in a calendar year or failure to return when scheduled from any leave of absence shall be considered job abandonment resulting in the forfeiture of any and all paid time off benefits.

(2) The Borough Administrator shall attempt to notify the employee that such action is considered job abandonment.

(3) Following the third consecutive unexcused absence, the Administrator shall notify the employee in writing of his or her dismissal and written documentation indicating the specific occurrences of the unexcused absences shall be placed in the employee's personnel history file.

5-12.50 Extreme Weather Conditions and Other Emergencies Policy:

A. (1) All employees are expected to report to work as scheduled unless notified that the Borough offices will be closed.

(2) (a) If an employee is unable to report for work, he/she must call in to report his/her absence to the supervisor as soon as possible on the workday.

(b) If an employee cannot report to work because of severe weather conditions, the time lost from work will be charged against accumulated compensatory time, vacation time, and personal absence time in that order. In the event there is no time accumulated in these categories, the time off from work will be charged as time off without pay.

B. The decision to close the Borough administrative offices shall be made by the Mayor, who shall notify the Police Department. In the event the Mayor is absent from the Borough, the decision shall be made by the Council President. In the event both the Mayor and the Council President are absent from the Borough, the Emergency Coordinator shall decide whether or not to close the offices. In the event that all three (3) of the aforesaid individuals are absent from the Borough, the chairperson of the Administration and Finance Committee shall make the decision.

C. In the event of extreme weather conditions or other emergency necessitating the closing of Borough administrative offices, department heads shall call the Borough Police Department for instructions.

5-12.51 Volunteer Emergency Company Members Policy:

A. Employees who are members of volunteer emergency companies that serve the Borough of Watchung shall be excused from attendance during the regular workday, Monday through Friday, for emergencies, except during Borough emergencies, and only until released by the Emergency Officer in charge.

B. Employees are encouraged to serve on such volunteer emergency companies and active time away from an employee's position does not count against one's vacation or personal time.

5-12.52 Performance Evaluations Policy:

A. The primary purpose of employee performance evaluations is to review the performance of the employee, based on pre-established performance standards. Regular performance evaluations give employees and supervisors the opportunity to discuss job tasks and related goals.

B. Performance evaluations shall also be considered in decisions affecting disciplinary action and training needs.

5-12.53 Periods of Evaluation

A. Employees are subject to a non-formal performance evaluation prior to completion of their first six (6) months of employment. New employees must receive an overall rating of "satisfactory" in order to continue their employment in the Borough service.

B. Annual. Part-time and full-time employees shall receive an annual evaluation of their performance.

C. Special. A special performance evaluation shall be completed whenever:

(1) A supervisor permanently leaves his or her position. The supervisor shall complete a performance report on each employee supervised who has not been evaluated in the six (6) months prior to the date the supervisor is to leave. The purpose of such a special performance evaluation is to provide the new supervisor with current information regarding the performance of employees.

(2) There is a significant trend either upward or downward in the employee's performance, as determined by the employee's supervisor or the Borough Administrator.

5-12.54 Procedure

A. The rating officer shall be the employee's immediate supervisor. In the case of department heads, the Borough Administrator shall be the rating officer.

B. (1) All performance evaluations shall be completed on forms provided by the Borough.

(2) Department heads will have received proper training on completing performance evaluations including what is meant by the grading, the importance of objectivity, and expectations for specific comments, prior to conducting any performance evaluations for employees in his or her charge.

C. (1) The employee will complete a Self-Evaluation. The Self-Evaluation is submitted to the supervisor for review.

(2) The supervisor completes an evaluation on the employee.

D. (1) The rating officer shall discuss the performance evaluation with the employee before the report is made part of the employee's permanent record.

(2) A second part of the performance evaluation discussion will be setting standards and goals for the next period of evaluation.

E. Upon completion of the review of the evaluation report with the supervisor, the employee shall sign the report indicating that both the employee and the supervisor have reviewed its contents.

F. Following completion of the evaluation report review, the rating officer shall forward the report to his or her department head, who will forward it to the Borough Administrator. In the case that the rating officer is a department head, the report shall be forwarded to the Borough Administrator.

5-12.55 Use of Borough Vehicles Policy:

A. A Borough vehicle should be used whenever possible for official business.

B. Borough vehicles are not for personal use except in special circumstances approved by the Administrator.

C. The Borough reserves the right to request the employee's driver's license number and to verify that the license is valid prior to allowing any employee to drive a Borough vehicle.

D. Employees are required to have a valid license prior to operating any Borough vehicle.

E. Drivers assigned to a Borough vehicle are responsible for ensuring that the vehicles are kept clean and in good operating condition, and are serviced in accordance with a preventive maintenance schedule.

5-12.56 Vehicle Accident Reporting Policy

- A. If a Borough vehicle is involved in an accident, a police officer should be called to the scene immediately in order to complete a full motor vehicle accident report. The parties should exchange all relevant information and file the necessary reports with the police department.
- B. Accidents must be reported to the Borough Administrator and the employee's department head. Failure to report a motor vehicle accident shall result in disciplinary action.

5-12.57 Statements to the Media Policy

- A. No press release relating to any Borough matters shall be issued by a non-supervisory employee. A Department Head, with the express and prior permission from the Borough Administrator or, in his or her absence, the Borough Clerk may be able to issue a press release. The foregoing policy shall not apply to the Chief of Police, who is authorized to issue press releases concerning police force activities and events.
- B. When permission has been obtained and a statement is given to the press or to a media representative, a copy of said statement shall be forwarded immediately to the office of the Borough Administrator.
- C. Inquiries from newspaper or television reporters should be referred to the Borough Administrator immediately, who will then refer the issue to the appropriate department head as s/he deems appropriate. The sole exceptions are the Borough Clerk and the Chief of Police, who may answer questions at their discretion.
- D. Any Borough employee who disregards the restrictions imposed by this policy statement shall be subject to disciplinary action up to and including termination.

5-12.58 Change in Personal Data Policy

It is important that the Borough maintain accurate records. Some personal changes may affect employee benefits. Therefore, changes that impact you and your dependant's status, such as name, marital status, age, address, phone number, etc. need to be communicated in writing to the Administrator on a timely basis.

5-12.59 Credit Information Policy:

- A. Salary, title, and related employment information will be furnished to authorized persons or lending institutions only upon written request to the Borough Administrator. Such information will be given out only with the consent of the employee.
- B. Once written authorization has been obtained, the Borough of Watchung will only confirm information given by the requesting agency. The Borough will not volunteer any information to inquiring parties.
- C. Employees should notify the Borough Administrator in advance of anticipated credit checks.

5-12.60 Information on Employees Policy:

- A. It is the policy of the Borough of Watchung to respect the rights of all its employees. In so doing, no employee shall release any personal information such as address, phone number and names of family members of another employee to inquiring parties.
- B. In the event that someone requests such information, the employee should take the name and phone number of the inquiring party and forward them to the employee about whom the party is inquiring.
- C. Employees who fail to follow the above procedure will be subject to disciplinary action.

5-12.61 Employee Handbook Procedure:

- A. The Administrator with the assistance of the Employment Attorney shall draft an Employee Handbook for the approval of the Mayor and Council.
- B. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file.
- C. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice.

5-12.62 Access to Personnel Records Policy:

- A. The Borough Administrator shall maintain personnel records for each employee of the Borough.

B. Such records shall include, but are not limited to the following: application for employment, test results if any, dates of appointments and promotions, job titles, salaries, commendations, attendance records, disciplinary actions, grievances, leave of any type taken and accumulated, evaluations, accident reports, and the like.

C. Personnel records will be treated in a confidential manner. When an employee is separated from Borough service, the personnel folder shall be taken from the active files and retained in an inactive file for six (6) years.

D. Personnel records are available only to active employees, his or her department head, the Borough Administrator, and the Mayor and Council on a need-to-know basis. For purposes of benefits management, the Borough Clerk has access to employee files.

E. Employees are entitled to review the contents of their own personnel folder only and while in the presence of the Administrator. No information may be removed from the file.

F. Department Heads and or Supervisors may review an employee's file for the purposes of consideration for promotion or transfer and only with the prior approval of the Administrator or Mayor.

5-12.63 Nepotism Policy:

A. No employee shall be in a position that provides supervision over another member of the same family. This precludes the acceptance of applications for employment from relatives for positions in the same department where supervision conflicts exist, or where conflict could exist through promotion.

B. When, in the normal selection process, relatives of Borough employees are considered for appointment or promotion, that information should be made known to the Mayor and Council prior to the appointment or promotion being made.

C. Relatives, for the purpose of this policy, shall include spouse, parents, brothers, sisters, direct line aunts and uncles, nieces and nephews, children, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law, and son-in-law.

D. This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Borough, but is solely intended to eliminate the potential for preferential treatment of the relatives of government personnel.

5-12.64 Acceptance of Gifts, Gratuities Policy:

- A. No Borough employee shall solicit or accept any gift, loan, fee, or other article of value, where the solicitation or acceptance of such article might tend to influence or might be perceived to influence (directly or indirectly) the actions of the employee or any other employee in any matter of Borough business, as per Section 5-12.26(E).
- B. No employee shall solicit or receive any gift or gratuity from other employees junior in rank without the express permission of the Borough Administrator.
- C. This policy does not prohibit the receipt of occasional or nominal non-cash gift items, such as holiday gifts, so long as the amount received by the employee over a calendar year does not exceed \$100.00.

5-12.65 Solicitations Policy:

- A. In an effort to assure a productive and harmonious work environment, persons not employed by the Borough of Watchung may not solicit or distribute literature in the workplace at any time for any purpose.
- B. The solicitation of any nature by an employee on Borough property, including the selling of any good or service, requires prior approval of the Borough Administrator.

5-12.66 Bulletin Board Policy:

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

5-12.67 Open Public Meetings Act Procedure concerning Personnel Matters:

- A. Discussions by the governing body or any body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted.
- B. Prior to the discussion by the governing body or any body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by

the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Borough may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

5-12.68 Travel Expenses Policy:

- A. Borough employees who need to travel on official Borough business are strongly encouraged to use a Borough vehicle.
- B. Borough employees who use their private vehicles in an authorized official capacity may submit a request for reimbursement for expenses with the Borough Administrator, Council, and Mayor.
- C. Employees must submit vouchers and mileage report forms detailing the odometer readings at the beginning and end of the trip(s); the date(s) of the trip(s) taken; the purpose of the trip(s); and the total mileage driven. Receipts for any tolls paid should be attached to the mileage report form.
- D. Approval for reimbursement will be based upon the following criteria:
 - (1) Availability of funds in the current budget;
 - (2) Completeness and accuracy of mileage report form(s).
- E. Reimbursement for mileage will be paid per mile driven at the current rate approved by the IRS.

Employee Selection Procedure

5-12.69 Appointments

Appointment is the process of assigning an individual to a position in the Borough government. It shall include the assignment of a candidate to a position that is vacant or newly created, regular or temporary.

5-12.70 Application Process

- A. The Mayor and Council must formally effect the creation of any new position and authorize the filling of it by adoption of the municipal budget. There must be provided in the operating budget adequate funds to compensate the appointee before the employee is engaged.

B. (1) When a vacancy exists or a new position is created, the open position will be posted on the bulletin boards in order to notify employees. Applications from current Borough employees shall be accepted prior to the position being publicly advertised.

(2) Vacancies for full-time positions may be advertised in an official newspaper by the Administrator.

C. Application forms for employment should be obtained at the office of the Borough Administrator and must be completed by all persons applying for employment with the Borough of Watchung. Said applications should be turned in to the Borough Administrator unless otherwise stated.

5-12.71 Selection Procedure

A. Review of Applications - As soon as practicable after the final date specified for filing, all such applications received, including those from Borough employees, will be considered by the department head involved and the Borough Administrator. These officials may require applicants to undergo written and or oral examinations, plus personal investigations, prior to further consideration.

B. Interviews

(1) The Administrator and/or appropriate department head shall schedule interviews for those applicants whose applications for employment indicate that they possess the necessary qualifications.

(2) Interviews shall be conducted by the Administrator or his/her designee and the affected department head if the position requires specialized knowledge and skills.

(3) During interviews, the applicant shall be apprised of Borough personnel policies, "at will" and other conditions of employment, duties of the position, and such other information as may be appropriate.

C. Reference investigations - Following interviews, the Administrator shall conduct a reference investigation and verification of previous employment for those applicants deemed most suitable for appointment.

D. Driving record investigations - For those positions requiring use of Borough vehicles, an investigation of the applicant's driving record shall be made.

E. Other investigations - Further investigations shall be conducted by the Administrator as necessary in areas pertinent to the applicant's ability to effectively perform the duties of his or her position. These investigations may include, but not be limited to, a criminal background check.

F. Following the necessary investigations, the Administrator and the Department Head shall choose the best-qualified applicant for the position based on knowledge, skills and abilities.

G. Falsification of information - The Borough of Watchung relies upon the accuracy of information contained in the employment application, as well as the accuracy of other information presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information may result in the Borough's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

5-12.72 Appointment Process

A. Each new at-will hire shall be notified in writing by the Borough Administrator of his or her appointment.

B. A new employee shall be paid within the approved salary range for the position to which appointed, depending on the person's qualifications, skills, and prior experience. The starting salary shall be determined by the Borough Administrator, in keeping with the funding approved in the budget for said position.

C. The Administrator shall check all papers for completeness and establish a "Personnel History File" for the appointee. The file will be confidential and shall contain all records of the appointee's application and subsequent personnel actions, all pertinent personnel data as required for personnel management, and other records as required.

D. The foregoing requirements and practices are intended to cover at-will regular full-time and part-time employees. Such requirements and practices shall not interfere with or replace more stringent employee requirements hereafter established.

5-12.73 Orientation

During their first day of employment, all new employees shall meet with their supervisors or department heads as appropriate. It is suggested that all new employees be introduced to the Governing Body and all other employees of the Borough.

A. Employees shall be advised on all general conditions of employment such as Borough regulations, benefits, hours of work, and compensation.

B. The supervisor or department head shall orient the employee to conditions related to the job and work site.

C. Such orientation shall include introduction to co-workers, work standards, safety regulations, lunch periods, supplies, etc.

D. The supervisor shall cover with the employee duties and responsibilities of the position. The employee will be informed as to what performance standards are to be used to evaluate him or her during his or her introductory period.

5-12.74 Physical Examinations

A. Employment in all Borough jobs requires, prior to commencing employment, successfully passing a physical examination and drug test for the use of illegal drugs, such as marijuana, cocaine, etc. to assure that the work required to be performed will not cause injury to the employee and that the person is physically fit to meet the requirements of that job.

B. Periodic physical examinations may be required thereafter for employees.

C. Said examinations and drug testing will be at the expense of the Borough and shall be made by a physician designated by the governing body.

5-12.75 Introductory Period

The Introductory period is a trial period of fixed duration intended to provide an employee with an opportunity to perform in a manner which satisfies Borough standards and thereby to become, or be reinstated as, an "at will" regular employee.

A. Introduction for new Borough employees

(1) The period of Introduction for all new Borough employees shall be of six (6) months in duration.

(2) During the Introduction period, new employees shall not have recourse to the grievance procedure and may be separated from service without right of appeal.

(3) Prior to the completion of the Introduction period, an employee performance review shall be conducted by the department head or, in the case of a department head, by the Administrator, to determine the level of performance exhibited by the employee. (see section 5-12.53 C).

(4) At the conclusion of said six-month period, introductory employees may attain regular "at will" status upon favorable recommendation of the department head and approval of the Borough Administrator.

(5) An unsatisfactory performance review shall result in separation or an extension of Introduction for an additional period of time as recommended by the department head and approved by the Administrator.

B. Probation due to disciplinary action

(1) When an employee is placed on probation as a result of disciplinary action or unsatisfactory job performance, a probationary period shall be established and shall commence on the date of the disciplinary action. During this period, the employee's performance will be closely monitored.

(2) Prior to completion of the probationary period, a performance evaluation shall be conducted.

(a) A "satisfactory" rating will be necessary to warrant an employee's return to regular status in the Borough service.

(b) An unsatisfactory performance review shall result in separation or an extension of probation for an additional period of time as decided by the department head and Administrator.

(3) When an employee is placed on probation as a result of disciplinary action, vacation and sick leave benefits may be limited as a part of the disciplinary action.

Compensation and Salary Administration

5-12.76 Policy

It is the policy of the Borough of Watchung to provide financial and other means of compensation to employees for services rendered.

5-12.77 Means of Compensation

Employees of the Borough will be compensated by salaries and wages appropriate to their position as established in the Salary Ordinances and by employee benefits established and administered in accordance with this manual.

5-12.78 Procedures for Establishing Salaries

A. Salaries paid to Borough employees shall be based upon the job classification and as set forth in the salary resolution adopted from time to time by the governing body and as set forth in the Salary Ordinance adopted.

B. Salary increase increments for all regular full-time employees, part-time employees, and salaried appointees, whose classifications appear in the Salary Ordinance, may be authorized by the Mayor and Council based upon all relevant considerations affecting the pay of municipal employees.

C. Any or all increases in salary shall be determined by resolution of the governing body after consideration of recommendations from the appropriate department heads and the Borough Administrator.

D. Merit increases may be made from time to time with the approval of the Mayor and Council.

E. A salary schedule for the first three (3) years of employment as a Police Aide/Dispatcher shall be determined by resolution of the governing body. The fourth

and subsequent years of employment shall follow standard Borough policy on pay increases.

F. (1) Employees who begin work between July 1 and September 30 are eligible for one-half (1/2) of any across-the-board increases which are granted in the following year.

(2) Employees who begin work between October 1 and December 31 are not eligible for any across-the-board pay increases in the following year, except for Watchung Police Department Aides.

5-12.79 Pay Period

A. (1) The pay period for all employees shall be twice monthly, specifically the 15th and the last day of each month.

(2) When the 15th or the last day of the month falls on a weekend, paychecks shall be issued on the last business day prior to the weekend.

B. Salaried employees shall receive, at the end of each pay period, compensation equaling one-half (1/2) of their monthly salaries, less payroll deductions.

C. Non-exempt employees receive, at the end of each pay period, compensation equaling the number of hours worked in the two (2) week period times the hourly wage, less payroll deductions.

D. Mandatory payroll deductions include federal withholding tax, state withholding tax, F.I.C.A. (Social Security), unemployment compensation insurance, pension deductions, and wage garnishes. Other deductions may include any deductions authorized in writing by the employee.

E. Pursuant to the provisions of N.J.S.A. 40A:5-19, the payment of vacation time may be paid to the employees in advance; provided that fifteen (15) days advance notice of said request is given to the Payroll Department.

5-12.80 Working Hours

A. The normal work period for full-time Borough employees is as follows:

(1) For administrative and clerical personnel, the hours shall be 8:00 a.m. through 4:00 p.m., Monday through Friday, with one (1) hour for lunch, producing a thirty-five (35) hour work week

(2) For the Public Works Department, the hours shall be from 7:00 a.m. to 3:30 p.m., Monday through Friday, with one-half (1/2) hour for lunch, producing a forty (40) hour work week.

(3) For police aides, there shall be three (3) twelve-hour shifts plus one (1) four-hour shift, for a forty (40) hour work week per employee, with one-half (1/2) hour off for eating a meal.

(4) Administrative and office employees shall adhere strictly to the work hours set forth hereinbefore.

B. If the workload requires or if service delivery warrants, the Borough Administrator may make adjustments to the regular work hours.

C. The Mayor, Council or Borough Administrator may require any officer or employee to be in attendance for work on any day or days they determine a public need or emergency so requires.

5-12.81 Overtime Compensation

A. In most cases, non-exempt employees shall be assigned work which will not require attendance beyond the normal working hours for their departments, as established in Section 5-12.80.

B. Overtime shall be kept within the constraints of the department budget. Except in the case of an emergency, overtime is to be pre-approved by the Administrator.

C. In those instances when non-exempt employees are required by their department head to work beyond the normal work hours, they shall be eligible for overtime compensation.

5-12.82 Overtime Pay

A. (1) Overtime compensation shall be paid to all non-exempt employees at one and one-half (1 1/2) the regular rate for all hours physically worked in excess of forty (40) hours per week.

(2) Overtime for all non-exempt hourly employees whose regularly scheduled work is less than forty (40) hours per week shall be compensated at the regular hourly rate for all hours fewer than forty (40).

B. Employees will be paid only for hours actually worked, not to include lunch, except police aides and public works employees, who will be paid for one-half (1/2) hour lunch period, vacation, sick or personal time. Police Secretaries will be paid for a one (1) hour lunch period, vacation, sick or personal time.

5-12.83 Compensatory Time

The following information is in accordance with section six (6) of the Fair Labor Standards Act:

A. Compensatory time in lieu of paid compensation for overtime may be authorized for any non-exempt employee at the discretion of the Borough Administrator.

B. (1) Compensatory hours for all non-exempt employees whose regularly scheduled work is less than forty (40) hours per week shall be compensated with one (1) hour of compensatory time for each overtime hour worked under forty (40) hours.

(2) Compensatory hours shall be awarded to all non-exempt employees at the rate of one and one-half (1 1/2) hours for all hours worked in excess of forty (40) hours per week.

C. No more than twelve (12) hours of compensatory time may be accumulated by an employee in any thirty (30) day period.

D. The employee has the right to request the use of accumulated compensatory time. A written request shall be submitted to the Administrator at least three (3) days prior to the date requested for use of the compensatory time. Approval or rejection of the request will be made in writing to the employee within two (2) days of the request.

E. The Borough will generally require that all of an employee's accumulated compensatory time be used within thirty (30) days of the end of the pay period during which it was accumulated.

F. Furthermore, the Borough may choose to pay cash for accumulated compensatory time at any point. Such payment will be made at the rate at which the time was earned, either the regular rate or one and one-half (1 1/2) times the regular rate.

H. (1) Exempt employees, as defined in Section 5-12.5 B.(1) are not eligible for overtime pay. Compensation for service beyond normal hours, including scheduled meetings for Borough committees on which the employee serves, is ordinarily included as a salary differential for exempt employees.

(2) Overtime compensation in the form of compensatory hours may be awarded to exempt employees for special unscheduled meetings at which their attendance is expected. Said compensation shall be at the rate of one (1) hour for each qualifying hour worked.

5-12.84 Longevity

A. Employees of the Borough, hired prior to July 1, 1991, after completion of five (5) years of full-time employment, are eligible for an increase of two percent (2%) of their base annual salary as established in the current Salary Ordinance. They are further eligible for an additional increase of two percent (2%) of the annual base salary, as established in the current Salary Ordinance, for each additional five (5) years of full-time employment thereafter up to a total of twenty-five (25) years of service as follows:

Longevity Schedule

After (years)	Additional Salary (percent)
5	2
10	4
15	6
20	8
25	10

B. Employees hired on or after July 1, 1991, are not eligible for salary for wage increases on the basis of longevity unless otherwise resolved by the Mayor and Council.

Disciplinary and Grievance Procedure

5-12.85 Policy

When a department head or supervisor believes that an employee is not conforming to the letter or spirit of the Borough's personnel policies and rules, or to specific instructions given to him or her, or may not be acting for the benefit and welfare of the Borough and its employees and residents, the department head or Administrator may initiate disciplinary action up to and including termination.

5-12.86 Forms of Disciplinary Action

Disciplinary actions against employees shall be in the following forms:

A. Informal, private, verbal reprimand by department head or supervisor.

(1) When a department head believes that an employee is acting in a way which is inconsistent with expectations as defined in Section 5-12.85 the department head or Administrator shall first privately discuss the matter with the employee concerned in order to obtain the employee's view of the matter.

(2) The department head or Administrator should, if possible, obtain assurances that there will not be a repetition of the incident.

B. Written memorandum of censure.

(1) Such action is appropriate in cases of repeated offense or cases sufficiently serious, as long as the incident is not sufficient to warrant the employee's dismissal from employment.

(2) The incident should be fully documented in writing by the employee's supervisor or the Borough Administrator within twenty-four (24) hours of the incident. A copy of the documentation will be forwarded to the Administrator if the document was done by the supervisor and a second copy is to be placed in the employee's personnel history file.

C. Probation

(1) An employee may be placed on probation as a form of disciplinary action at the complete discretion of the Administrator for violating the Borough's personnel policies, ordinances, regulations, laws, an incident of inappropriate behavior, or any behavior that negatively affects the operations of the Borough

(2) An employee does not have to be placed on probation prior to suspension or termination of employment. Probation is an option at the sole discretion of the Administrator.

(3) The probationary period shall be fixed by the Administrator beginning with the date of the incident at issue.

(4) During the period of probation, the employee's progress will be monitored closely. A weekly, bi-weekly, or monthly meeting with the Administrator may be ordered to properly monitor the work of the probationary employee.

(5) At the end of the probationary period, the employee will return to regular at-will status if he or she has exhibited satisfactory performance. If the employee has not exhibited satisfactory performance, the Borough Administrator may either terminate the employee or extend the probationary period.

(6) Other regulations regarding probationary employees are listed in Section 5-12.75 of this manual.

D. Suspension from duty without pay.

(1) Suspension of any employee may be ordered by the Borough Administrator for a period not to exceed three (3) days if and when such summary action is considered as being necessary.

(2) A fair and complete investigation of the case will be made within forty-eight (48) hours by the Administrator, to accumulate all facts and to interview all affected parties.

(3) After the investigation, the Administrator, in his or her sole discretion, will decide any further action, if necessary, that must be taken regarding employment.

(4) (a) If an employee feels that she or he has been suspended or discharged unjustly, said employee shall have the right to file a grievance, which must be filed in writing pursuant to the grievance policy, with the employer within three (3) working days from the time of discharge or suspension.

(b) Said grievance shall be initiated at the third step of the grievance procedure as herein provided.

(c) If no grievance is filed within the time period specified, then suspension shall be deemed to be final and binding upon the employee involved and the Borough.

E. Dismissal

(1) The decision to dismiss an employee will be made by the Borough Administrator.

(2) Any employee cited for dismissal shall receive written notification stating the reason for the dismissal.

(3) (a) If an employee feels that she or he has been dismissed unjustly, said employee shall have the right to file a grievance, which must be filed in writing pursuant to the grievance policy, with the employer, within three (3) working days from the time of discharge.

(b) Said grievance shall be initiated at the second step of the grievance procedure as herein provided.

(c) If no grievance is filed within the time period specified, then suspension shall be deemed to be final and binding upon the employee involved, and the Borough.

5-12.87 Grievance Procedure Policy

A. It is the policy of the Borough of Watchung that every employee shall always be treated fairly, courteously and with respect. Conversely, each employee shall always accord the same treatment to his or her fellow municipal employees, associates, department heads, and to the general public.

B. (1) Since it is intended that most, if not all, grievances can and should be settled without the necessity of reference to the governing body, no grievances will be heard or considered by the Mayor and Council which have not passed through the following preliminary steps.

(2) Except in extraordinary circumstances, an employee who does not follow the proper grievance procedures as outlined below shall be considered insubordinate, be subject to disciplinary action, and shall waive his or her rights to further grievance proceedings on the basis of the grievance in question.

(3) The failure of an employee to proceed to the appropriate step within the specified time shall be deemed an acceptance of existing conditions, policies, or adjustments, and shall constitute waiver of rights to further grievance proceedings on the basis of the grievance in question.

C. All grievances shall be decided on their own merits, without setting precedent for future grievance resolutions.

5-12.88 Grievance Definition

A grievance is a complaint regarding:

- A. Alleged unsafe or unsanitary working conditions.
- B. The alleged unfair application or interpretation of the policies, rules, and regulations of the Borough or the department for which the employee works.
- C. Alleged unfair, threatening, discourteous, or inflammatory personal treatment by another Borough employee.

5-12.89 Preliminary Action: Presentation to Department Head

Step 1

- A. When an employee has a grievance, he or she shall within three (3) working days of the event or acts causing a grievance or immediately if the grievance does not refer to a specific incident, present it verbally and privately to the department head or supervisor. If approaching the department head or supervisor creates a conflict of interest, the employee shall contact the Administrator directly,
- B. It is the responsibility of the department head to attempt a mutually satisfactory settlement of the grievance as quickly as possible. The supervisor shall, within two (2) working days, either arrange a mutually satisfactory solution to the grievance or advise the employee of the inability to do so.

5-12.90 Formal Steps

Step 2

- A. If, within five (5) working days of the meeting with the employee's supervisor, the grievance has not been resolved to the aggrieved employee's satisfaction, or if a department head initiates the grievance, the employee may, within three (3) working days, present the grievance in writing to the Borough Administrator. If approaching the Administrator creates a conflict of interest, the employee shall contact the Chairperson in charge of the Administrative Committee directly,
- B. The written grievance shall be stated as briefly and as clearly as possible and indicate the reason for dissatisfaction with the supervisor's action.
- C. Accompanying the written grievance should be a written report by the supervisor to whom the original grievance was voiced indicating the action he or she took in attempts to resolve the grievance.
- D. The Administrator shall, within three working days of being presented with the written grievance meet with and discuss the grievance with the employee and others

involved. He or she shall reply in writing to the employee indicating the disposition of the grievance within three working days of the meeting.

Step 3

If the Administrator's reply fails to resolve the grievance to the satisfaction of the employee or if the Administrator fails to respond within the time allowed, the employee may present the grievance in writing, including reason for dissatisfaction with the administrator's action, within five (5) working days to the Mayor and Council of the Borough of Watchung.

Within fifteen (15) days of receipt of a Step 2 grievance, the Mayor and Council shall schedule a hearing with the employee. The hearing may take place in executive or open session, depending upon the request of the aggrieved employee. During such hearing, the Council may hear from such parties as it deems appropriate. Within fourteen (14) days of completion of the hearing, the Council shall reply in writing to the employee, informing him or her of the disposition of the grievance. The decision of the Borough Council shall be final and binding. All papers and documents relating to a grievance and its disposition will be placed in the employee's personnel file.

Paid and Unpaid Time Off

5-12.91 Holidays

A. Regular full-time and probationary Borough employees, except police aides, will receive pay for the following twelve (12) holidays not worked:

New Year's Day, January 1
Martin Luther King, Jr. Day, third Monday in January
Presidents' Day
Good Friday, Friday before Easter
Memorial Day, last Monday in May
Independence Day, July 4
Labor Day, first Monday in September
Columbus Day, second Monday in October
Election Day, Tuesday after 1st Monday in November
Veterans' Day,
Thanksgiving Day, fourth Thursday in November
Christmas Day, December 25

B. When any of the above holidays falls on a Saturday, it will be observed on the preceding Friday, and when it occurs on a Sunday, it will be observed on the following Monday.

C. In addition to the legal holidays provided for in Subsection A above, the Borough offices shall be closed:

- (1) the Friday immediately following Thanksgiving Day;
- (2) the last working day prior to Christmas; and
- (3) at 12:00 noon on the last working day prior to New Year's Day.

D. Police aides shall be entitled to holiday pay for the holidays listed in Subsection A above and for the Friday immediately following Thanksgiving Day and the last working day prior to Christmas. As of January, 2004, holiday pay for Police Aides will be included in their base pay.

E. If any of these holidays falls during a regularly scheduled vacation period of an employee, an additional day of vacation will be allowed.

F. (1) A holiday which occurs during any other period of paid leave is counted as a paid holiday and not charged against sick, vacation or personal time.

(2) A holiday that occurs during unpaid leave has no effect. The employee is not paid for the holiday.

G. Except Borough police aides, all non-exempt employees required to work on a holiday shall be compensated at the rate of one and one-half (1- 1/2) times the hourly equivalent of their salaries.

H. Seasonal and part-time employees shall not be compensated for holidays.

I. To qualify for holiday pay, employees must physically work on their regularly scheduled workday preceding and their regularly scheduled workday following the holiday unless they are specifically excused by the Borough Administrator for a valid reason or are on an authorized leave.

5-12.92 Vacation

A. Vacations are provided for full time employees in order that they receive a period of rest, relaxation, and pleasure within the calendar year.

(1) All vacations shall be chosen on the basis of position and then seniority.

(2) All vacations must be used in the current year and cannot be accumulated unless approved in writing by the Borough Administrator.

(3) Vacation time shall be used during the year in which it accrues and is based on the length of continuous service in the current calendar year. Vacations with pay are authorized for full-time employees pursuant to the following schedule.

Vacation Time

<u>Years of Continuous Service</u>	<u>Number Vacation Days</u>	of
Less than 1	See Subsections B(1) and B(2) below	
1 to less than 5	10	
5 to less than 10	15	
10 to less than 20	20	
20 or more	25	

(4) Each and every regular full-time employee, without exception, must take the authorized annual vacation period for health, rest, relaxation and pleasure within the calendar year, (January 1 to December 31) during which said time is accrued.

(a) Unused vacation days may be carried over into the new calendar year only with the authorization of the Administrator following written request.

(5) All vacations are subject to the approval of the department heads and Borough Administrator and, of necessity, depend upon the work of the borough permitting such vacations.

(6) Employees who are separating from service for the Borough will be paid on a prorated basis for any unused earned vacation time, provided they are not dismissed for misconduct. Any employee who is dismissed for misconduct will not receive vacation pay.

(7) (a) If any official holiday occurs during an employee's vacation, he or she will be entitled to an additional day in lieu of the holiday.

(b) In the event an employee becomes ill during a vacation period, sick leave may not be utilized for the purpose of restoring vacation leave.

(8) (a) Requests for vacation should be submitted on the Borough's Leave Request Form to the employee's department head by April 1, and at least thirty (30) days prior to the commencement of the vacation period.

(b) The thirty (30) day requirement may be waived at the discretion and judgment of the Borough Administrator.

(9) (a) Approval of requests will be granted contingent upon adequate staffing in the department and the work of the Borough permitting such vacation leave during that time.

(b) In the event that a conflict arises with two (2) or more employees requesting vacation period, the employee with the highest rank will have priority for the said vacation period. If the conflict is between employees with the same rank, seniority will be used.

(10) No single vacation period for any employee shall exceed ten (10) continuous working days except by special permission of the Administrator.

(11) The minimum period of vacation leave for the purposes of computation shall be one-half (1/2) day.

(12) An employee injured on the job immediately prior to taking his or her scheduled vacation shall be permitted to reschedule his or her vacation upon recovery from such injury.

(13) When an employee dies having to his or her credit any vacation leave, there shall be calculated and paid to the estate a sum of money equal to the compensation figured on the employee's salary at the time of death.

(14) An employee who leaves the service of the Borough after having taken vacation time that was not yet accrued is responsible for paying the Borough for the total amount of unaccrued vacation time used.

B. Introductory Employees

Employees who are newly hired shall begin to accrue vacation time upon successful completion of the six (6) month introductory period. Said accrual shall be according to the following schedule:

(1) New employees who start between January 1 and June 30 shall receive one day's vacation for each full month remaining in the calendar year following the end of the introductory period, not to exceed five (5) days. Subsequent vacations will be in accordance with the schedule listed in 5-12.92(A).

(2) New employees who start between July 1 and December 31 shall receive one (1) day's vacation for each complete month remaining in the calendar year following the end of the introductory period, not to exceed ten (10) days. Subsequent vacations will be in accordance with the schedule listed in 5-12.92 A(3).

For Example:

<u>START DATE</u>	<u>INTRODUCTORY ENDS</u>	<u>VACATION DAYS</u>
February 16th	August 15 th	4 days for this year and 10 days for the next year
June 14th	November 30 th	1 day for this year and 10 days for the next year
November 1 st	April 30 th	8 days for the next year
July 1st	December 31 st	10 days for the next year

C. Part-time and seasonal employees are not eligible for vacation benefits.

D. (1) For the purpose of recruiting, special vacation provisions may be made at the time of appointment, by action of the Mayor and Council.

(2) Any such arrangements for special vacation provisions shall be put in writing and placed in the employee's personnel history file.

5-12.93 Compensatory Time

Employees may take compensatory time off with the approval of the Administrator as outlined in Section 5-12.83 of this manual.

5-12.94 Sick Time Policy:

As used in this section "sick time" shall mean paid leave granted to full time employees who through sickness or non-work related injury, become incapacitated to a degree that makes it impossible to perform the duties of his or her position, or who is quarantined by a physician because of exposure to a contagious disease.

A. As of January 1, 1994, each regular full-time employee will be credited on January 1st of each year with twelve (12) days of "sick time" for the ensuing year.

B. Introductory employees shall be entitled to receive pay for two (2) sick days during the introductory period. Following the Introductory period, an employee shall receive one (1) sick day for each month remaining in the calendar year.

C. Part-time and seasonal employees are not eligible for sick time benefits.

D. Sick time shall be cumulative up to a maximum of one hundred and twenty (120) days.

E. (1) It is the responsibility of the employee to notify the department head, or the Administrator if the department head is not available, no later than fifteen (15) minutes after the beginning of the work day of his or her inability to come to work.

(2) In absences of more than one (1) day, the employee must call in daily, unless a note from the employee's physician specifying the date of return has been submitted to the Administrator.

(3) Failure to notify the department head or the Administrator may result in forfeiture of sick time benefits for that particular illness and will be treated as an unexcused leave of absence which is subject to disciplinary action up to and including dismissal. If an employee, or a member of their immediate family, fails to notify the department head or the Administrator after two (2) consecutive absences*, it will be assumed that the employee has abandoned the job and will be treated as a Job Abandonment resignation.

*Exceptions may be made to this decision if the employee verifies an extreme situation that prevented he or she from contacting the Borough. The decision to make an exception is the right of the Administrator's.

F. (1) The Borough Administrator may, after two (2) consecutive sick days, request written documentation from the employee's physician certifying the reason for the employee's absence.

(2) The Administrator may require any employee who has been absent for three (3) days or more in any one year, for a doctor's note upon any further absence.

G. The minimum unit of sick time for compensation purposes shall be one-half (1/2) hour.

H. (1) After a minimum of five (5) years of service with the Borough, an employee, upon separation from service with the Borough for reasons other than misconduct, will receive pay based upon unused accumulated sick time, up to a maximum of one hundred and twenty (120) days of such credit.

(2) Payment shall be made in accordance with the following schedule:

(a) Upon retirement: 50% of the employee's then current rate of pay;

(b) Other separation: 25% of the employee's then current rate of pay.

5-12.95 Leave of Absence Policy

A. (1) A Leave of Absence is defined as an unpaid, approved absence from work for a specified period of time for medical, parental, military, or personal reasons.

(2) All sick time, vacation time, personal days, and compensatory time must be exhausted before petitioning the Mayor and Council for a Leave of Absence.

(3) A Leave of Absence may be granted to maintain continuity of service in instances where unusual or unavoidable circumstances require an employee's absence.

(4) A Leave of Absence may be requested by any employee who shall submit in writing all facts bearing on the request to his or her department head. The department head will forward the request, with his or her recommendations, to the Administrator and the councilmanic committee chairperson for consideration by the Mayor and Council.

(5) Each request submitted to the governing body shall be considered on its own merits. Any additional leave granted is at the complete discretion of the Council and shall not be considered to set a precedent.

(6) The Council will take into account the reason for the Leave, its probable duration, the immediate need for the employee's service, the employee's length of service, the employee's previous record, and the affects the vacancy will have on the Borough's ability to function at a high-level.

(7)The governing body may, at its sole discretion, approve an unpaid Leave of Absence for a period not to exceed six (6) months.

B. (1) Employees who are on a Leave of Absence authorized by the Borough Council shall not accrue vacation or sick time during that period.

(2) Employees who are on a Leave of Absence and whose absence extends to the next calendar year shall accrue sick time on a pro-rated basis, once they have

returned to work, at the rate of one sick day for each full month remaining in the calendar year.

(3) Employees on Leave of Absence during a paid holiday are not eligible to receive holiday pay.

4) Group insurance benefits may continue while on a Leave of Absence if advance arrangements are made and the employee pays premiums.

C. During a Leave of Absence, an employee cannot be employed elsewhere.

D. (1) A Leave of Absence is a voluntary, non-work related, unpaid leave that is approved by the Governing Body. While the Borough will make an attempt to reinstate an employee returning from a Leave of Absence, reinstatement is not guaranteed and will depend upon whether the position is available.

(2) The Borough of Watchung is under no obligation to hold an employee's position while the employee is on a Leave of Absence. If the Borough of Watchung deems it necessary to fill the vacant position, it will do so.

E. In order to return from a Leave of Absence due to medical reasons, the employee must submit a letter of release from a certified physician who is treating the employee, stating that the employee can return to work and is capable of fulfilling the functions of the position.

F. If an employee does not return to his or her position at the end of the unpaid Leave of Absence, then his or her position shall be considered vacant, unless formal action is taken by the Governing Body.

5-12.96 Maternity Leave Policy

A. A pregnant employee who is unable to continue working due to medical reasons may request unpaid maternity leave.

B. Said employee must immediately provide the Borough Administrator with documentation from her physician indicating that she is unable to work.

C. The employee is eligible for up to a total of four (4) weeks leave, prior to the delivery of the baby.

D. Before petitioning the Mayor and Borough Council for unpaid maternity leave, the employee must first exhaust all of her vacation, sick, compensatory, and personal time.

5-12.97 Family & Medical Leave Policy

Pursuant to federal and state statutes, the Borough of Watchung has adopted a Family & Medical Leave policy.

A. Family & Medical leave shall be granted for the purpose of providing care made necessary by reason of:

(1) birth, adoption of a child of the employee or placement of a foster child

(2) the serious health condition of a child, spouse, or parent of the employee, where the serious health condition is an illness, injury, impairment, physical condition or mental condition that requires:

a. inpatient care in a hospital, hospice or residential medical care facility;

b. continuing medical treatment or continuing supervision by a health care provider; or

(3) the serious health condition of an employee that prohibits the employee from performing his or her job

B. (1) Request for such leave shall be made in writing to the Borough Administrator four (4) weeks prior to the commencement of the leave period when possible.

(2) Certification of the condition by a duly licensed health care provider shall accompany the written request for Family & Medical Leave. In the case of a serious health condition of a family member, the certification shall state the date on which the condition commenced, the probable duration of the condition, and the medical facts within the provider's knowledge regarding the condition.

D. Employees shall become eligible after twelve (12) continuous months of service to the Borough, and after completing twelve hundred fifty (1250) regular hours of work in the previous twelve (12) months.

E. Pursuant to applicable state and federal law Family & Medical Leave provides employees with up to 12 weeks of unpaid leave per year for qualifying conditions.

F. Leave taken because of the birth or placement for adoption of a child may commence at any time within a year after the date of the birth or placement for adoption.

G. If agreed to by the Borough and the employee, leave may be taken intermittently.

H. Employees may take their family leave on a reduced leave schedule, not to exceed twenty-four (24) consecutive weeks.

(1) A "reduced leave schedule" means leave scheduled for fewer than an employee's usual number of hours worked per work week but not fewer than an employee's usual number of hours per work day.

(2) If the leave is taken upon the birth or adoption of a healthy child, the employee may not take the leave on a reduced leave schedule without a written agreement between the Borough and the employee.

I. (1) During the entire period of Family & Medical Leave, the Borough shall maintain coverage under the employee's health insurance and life insurance at the same level and under the same conditions as when the employee was not on leave from the Borough provided the employee maintains the premium.

(2) Employee is considered inactive and vacation time and sick time will not accrue while the employee is on Family & Medical Leave.

(3) Employees must use all of their accumulated vacation time, sick leave, and compensatory time as part of their period of family leave.

J. Employees who take Family & Medical Leave are entitled to be restored to the position held by the employee when the leave commenced or to an equivalent position of like seniority, status, pay, and other terms and conditions of employment.

K. During Family & Medical Leave employee must maintain regular contact with the Borough.

5-12.98 Jury Duty Pay

A. Borough employees are encouraged to exercise their civic responsibility to serve jury duty.

B. An employee called for jury duty shall submit a Borough Leave Request form with supporting documentation to his or her department head as soon as he or she becomes aware of the obligation.

C. An employee who is called for jury duty shall be granted an excused absence with pay, for up to 15 days, during the regular period of jury duty.

D. If an employee is excused from jury duty by or before 12:30 p.m., he or she shall report back to work for the remainder of the workday.

E. The Borough shall continue to provide the employee with benefits for the full term of the jury duty absence.

5-12.99 Military Leave

A. Any regular employee who is a member of the National Guard, Naval Militia, Air National Guard, or a reserve component of any of the Armed Forces of the United States and is required to engage in field training may be granted a military leave of

absence with differential for the period of such training as is authorized by law. This leave of absence shall be in addition to his or her vacation.

B. If an employee is called to active duty in the Armed Forces of the United States, an indefinite military leave of absence without pay, except by special authorization of the Governing Body, shall be granted the employee for the duration of such active military service providing that he or she does not voluntarily extend such service.

C. In all cases involving military leave, the employee shall provide the Administrator a certificate verifying the call to military duty along with the completed Leave Request form prior to departure.

D. Such employees shall be reinstated by the Borough without loss of privileges or seniority provided they report for work within 30 days following an honorable discharge from military service.

5-12.100 Bereavement

A. Employees shall be entitled, in the case of the death of an immediate member of his or her family or spouse's family, to a maximum of three (3) days of absence with pay upon approval from the Administrator. An immediate member of the family is defined as employee's spouse, parent, child, sister or brother, grandparent, mother-in-law, father-in-law, son-in-law or daughter-in-law.

B. In the event of the death of a relative who resides with the employee, other than an immediate member of the family as above defined, the Borough may grant a three (3) day Bereavement Leave with pay.

5-12.101 Personal Time

All full-time employees are entitled to two (2) personal days per calendar year. Personal days are not cumulative.

A. Requests for personal days shall be made in writing to the department head or the Administrator on a Leave Request Form at least ten (10) days prior to the requested personal day when possible.

B. Requests will be approved providing that they do not unduly conflict with the need of the Borough or the scheduling requirements of the department.

Health and Welfare Benefits

5-12.102 Workers' Compensation

A Borough employee injured in the performance of duties shall receive workers' compensation for bona fide work-related injuries as follows:

A. (1) An employee who is injured in any way, no matter how minor, in the performance of duty shall immediately report the accident to the department head and shall provide the information necessary for the filing of an accident report. Failure to do so may impair an employee's claim for benefits.

(2) The completed accident report shall be submitted to the Borough Administrator within twenty-four (24) hours of the injury.

B. During the first five (5) workdays of work-related injury, the employee is not eligible for Workers' Compensation. The Borough will pay the employee his or her regular wage until Workers' Compensation begins. Time off, taken as a result of a work related injury, sustained while on duty, is not chargeable against an employee's sick time.

C. After five (5) workdays of inability to work due to work-related injury, payments by the Workers' Compensation Policy will normally commence. Upon resolution by the Mayor and Borough Council, the Borough will continue to pay the employee at the regular earnings rate, and the Workers' Compensation payments shall be forwarded to the Borough Treasurer.

D. The Borough's payment of the affected employee's full salary shall not exceed one (1) year from the date of initial work-related injury.

E. Workers' Compensation payments will continue for as long a duration as allowed under existing laws and practices. When the Borough ceases to pay the employee's salary, the Workers' Compensation checks will be forwarded directly to the employee.

F. The Borough reserves the right to require a medical examination by a licensed physician designated by the governing body at any time during the employee's absence and **requires** a certificate of fitness to work, prior to allowing the employee to return to work.

G. The Borough will not be liable for payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Borough of Watchung.

H. The Borough will not be liable for payment of workers' compensation benefits for injuries sustained while in employment other than with the Borough.

I. During the period that an employee is being covered by Worker's Compensation, he or she is considered inactive and will not accrue vacation or sick time.

5-12.103 Health Insurance Coverage

A. All full-time employees of the Borough, including full-time Police Department employees, are eligible to receive hospital and medical insurance as provided under the New Jersey State health benefits program. The Borough shall pay the entire cost of the traditional plan. For certain optional plans, an employee contribution may be required.

B. All eligible dependents will be included in the coverage.

C. Additionally, all full-time employees including full-time Police Department employees, and their dependents, are eligible to receive dental coverage insurance the full premium cost to be paid by the Borough.

D. Health and dental insurance coverage takes effect sixty (60) days after the commencement date of new employees.

E. (1) All terminated employees, except those terminated for gross misconduct, may elect to continue medical and dental benefits for eighteen months following their separation from service. The continuation of benefits shall be at the expense of the employee.

(2) Furthermore, dependents of Borough employees may elect to continue medical and/or dental benefits for up to thirty-six (36) months at the employee's or dependent's expense. This applies only in cases in which the coverage would be lost due to plan provisions, to eligibility for Medicare, or to death, divorce, or legal separation from the covered employee.

F. It is the responsibility of the employee to notify the Administrator within thirty (30) days of any change of dependents or other changes that might affect coverage.

If an employee does not enroll within sixty (60) days of eligibility (one hundred twenty (120) days from date of hire) the employee may not enroll in benefits until the next open enrollment period.

5-12.104 Waiver of Health Insurance Benefits

A. The Borough of Watchung offers a financial incentive for waiver of health insurance benefits for eligible employees who elect to participate.

B. An annual cash incentive, in an amount set by resolution, will be paid in quarterly payments if an eligible employee waives the insurance coverage provided by the Borough.

C. In order to enroll, an employee must show proof of coverage through another provider, such as their spouse's health insurance.

D. If an employee enrolls in the program and loses their alternative health insurance, they must re-enroll in the Borough's plan immediately. Employees will be required to show proof that their alternative policy is no longer valid.

5-12.105 Life Insurance

A. The Borough will also provide a life insurance policy in the amount of five thousand dollars (\$5,000) for each full-time employee. Such insurance takes effect immediately upon commencement of employment for new employees.

5-12.106 Unemployment Compensation Insurance

A. The Unemployment Compensation Law sets up a program for the payment of cash benefits to covered workers who have lost their jobs through circumstances beyond their control, or are working less than full-time because of a lack of full-time work.

B. This program is financed by a payroll tax paid by the Borough and the employee. The Borough is authorized to deduct the worker's contribution (tax) from the employee's wages.

C. If an employee becomes totally or partially unemployed, he or she should file a claim for benefits as soon as possible at the Unemployment Insurance Claims office.

5-12.107 Social Security & Retirement Plan

A. The Borough shall contribute the employer's contributions, as required by law, to the Social Security System and such appropriate New Jersey State employee's retirement systems as may be required by law, and to which employees must belong.

B. Employee contributions to the Social Security System shall be deducted periodically from employees' earnings.

C. Subscription to any available supplemental insurance for which participation is not required by law yet is still available shall be paid by the employees.

D. All Borough employees, as covered in this chapter, shall participate in the Public Employees' Retirement System as permitted by the State of New Jersey Division of Pensions.

E. All Police Department personnel shall participate in the Police and Firemen's Retirement System of the State of New Jersey.

F. (1) In accordance with the provisions of N.J.S.A. 52:14-17.38, all employees of the Borough of Watchung, including full-time Police Department employees who hereafter retire as permitted by the State of New Jersey Division of Pensions and the Police and Firemen's Retirement System of the State of New Jersey, and where said employee has a minimum of twenty-five (25) years of continuous service with the Borough credited under such retirement plan, shall be eligible to have their health insurance benefits continued for said employee, his or her spouse, and his or her dependents as were covered prior to retirement from the Borough. Such health benefits are to include group hospital, medical and surgical coverage, with the premium or periodic charges paid by the Borough of Watchung from funds appropriated for such purposes.

(2) Any employee of the Borough of Watchung, including full-time Police Department employees otherwise eligible, shall not be eligible for health benefits coverage if covered under the provisions of any other program of health insurance with similar coverage, excluding the Federal Medicare Program covering the retired employee and the employee's spouse.

5-12.108 Pensions

The Borough of Watchung participates in state pension programs and is subject to the provisions of the Public Employees' Retirement System (PERS) and Police and Firemen's Retirement System (PFRS) rules and regulations promulgated by the State of New Jersey.

All regular full-time and part-time Watchung Borough employees are required by law to participate in their respective system.

Additional Benefits

5-12.109 Training and Continuing Education

A. Because state and federal regulations and new technologies require specialized training for certain employees, the Borough will, to the extent that such training is available and to the extent that monies are available, provide employees with the opportunity to receive further education and training which will enhance their performance and contribute to Borough operations. Therefore, all training and education must be applicable to the employee's current position.

B. Employees must submit a Borough request form to the Administrator with all required signatures prior to enrolling in any course for which direct payment or reimbursement is requested.

C. Approval or denial of the department head, Administrator, and councilmanic representative is needed for courses that either are paid or partially paid for by the Borough or which are not paid for by the Borough but interfere with an employee's work schedule.

D. Approval for direct payment or reimbursement will be made on the following criteria:

- (1) Availability of Borough funds at the time of request;
- (2) Applicability of course or training to employee's present position.

E. For graduate or undergraduate college courses, the procedure shall be as follows:

(1) Upon completion of the course, the employee must demonstrate satisfactory fulfillment of course requirements as evidenced by a grade of "C"(or "Pass", for a Pass/Fail course) or better on an official transcript of the institution.

2) Once satisfactory completion has been demonstrated, the Borough will reimburse the employee in an amount not to exceed that charged by a State University, or as specifically approved by the Mayor and Council.

5-12.110 Conventions, Conferences, and Seminars

A. Regular full-time employees may submit a request to participate in conferences, conventions, and seminars that contribute to the employee's career development or to the operations of the Borough.

B. (1) The request must be made on the appropriate Borough form and forwarded to the employee's department head and the Administrator prior to sending in registration material for the event.

(2) Requests must be submitted for conventions, conferences, and seminars if (a) the event occurs during the employee's normal working hours; and/or (b) the employee wishes reimbursement or payment for all or part of the costs of the event.

C. All requests must be approved or denied by the department head, Administrator, and councilmanic representative and are subject to budgetary constraints and needs of the employee's department at the time of request.

D. (1) Costs eligible for coverage by the Borough include registration, travel expenses, and the cost of lodging if the program requires participation of more than one (1) day in duration.

(2) The governing body may approve or disapprove all or part of the request for cost coverage.

(3) Approved requests for cost coverage may be made on either a direct payment or reimbursement basis.

5-12.111 Professional Dues

The Borough may pay dues for professional organizations for the Administrator, department heads, and professional staff if such funds have been approved in the current budget and if the membership is job related.

SEPARATION FROM SERVICE

5-12.112 Separation

A. Employees who have acquired regular employment status as provided in this manual may be temporarily suspended from the Borough's employ by layoff or suspension or permanently separated by resignation or dismissal as more particularly set forth in this Article.

B. (1) The Borough will generally schedule exit interviews at the time of separation from service. The exit interview will afford an opportunity to discuss such issues as employee benefits and conversion privileges. At this time employees shall return all Borough-owned property and may voice suggestions, concerns, and questions.

(2) Exit interviews shall be recorded on forms prescribed by the Borough Administrator and the record of the interview shall become part of the employee's permanent personnel file.

5-12.113 Layoff

A. Whenever there is a lack of work or a lack of funds requiring a reduction in the number of employees in a department of the Borough, the required reductions shall be made in such job classification or classifications as the governing body may designate in consultation with the department head.

B. Employees shall be laid off in the inverse order of their length of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any regular employees.

C. Employees so affected shall be given two (2) weeks' notice or two (2) weeks' pay in lieu thereof. Any unused and accrued vacation and sick time will be paid out to the employee.

D. The Borough will maintain a recall list of laid off employees for one (1) year following the layoff. The Borough will not hire new employees while there are employees on the recall list qualified to perform the duties of the vacant position, unless such employees on recall refuse to accept such employment.

E. Employees who are re-hired after a period of layoff may not be entitled to the same salary, benefits, or other work conditions that he or she experienced prior to the layoff.

5-12.114 Suspension

- A. (1) Suspension is the temporary removal of an employee from service.
(2) An employee may be suspended with or without pay, at the discretion of the Borough Administrator, depending on the circumstances of the situation.
- B. An employee may be suspended without pay for reasons of misconduct, negligence, inefficiency, insubordination, repeated unauthorized absences, or other offenses. Multiple and/or continuous suspensions may lead to dismissal.
- C. The employee will be notified in writing of his or her suspension including the cause and number of days the employee shall be suspended. A copy of the notice will be placed in the employee's personnel history file.

5-12.115 Resignation

- A. An employee may resign from his or her position by tendering a written resignation to his or her department head who, in turn, shall forward it to the Administrator and the governing body.
- B. (1) If possible, an employee shall give a minimum of two (2) weeks' notice before the effective date of his or her resignation. Failure to do so shall result in the loss of pro-rated accrued vacation, reimbursement for accumulated compensatory time, and any other compensation due the employee.
(2) Failure to give at least two (2) weeks' notice will result in resignation not in good standing.

5-12.116 Dismissal

Dismissal is the removal of an "at will" employee from service. This action may be taken by the Borough Administrator, when it is determined that such summary action is deemed necessary. Further explanation may be found in section 5-12.86.E of this manual.

Note: Employment with the Borough is At-Will therefore, the Borough maintains the right to dismiss an employee at anytime and for any reason. (See also 5-12.11.)

5-12.99 Severability

The provisions of this policy are severable and if any of these provisions shall be held to be unconstitutional, or otherwise invalid by any Court of competent jurisdiction, the decision of such Court shall not affect or impair the remaining provisions.