**TOWNSHIP OF DENVILLE**



**EMPLOYEE HANDBOOK**

**Revised: August 2014**

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**GENERAL PERSONNEL POLICY**

1. **Introduction/Purpose of Employee Handbook**
2. The Township of Denville is a public employer, subject to federal and state law. The purpose of the Employee Handbook (‘Manual’) is to establish a personnel system that provides a fair balance between managerial needs and employee protections for the effective delivery of public services.
3. **The policies contained in the Manual are not intended to void, replace or conflict with federal or state laws and regulations, or with collective negotiation agreements, all of which supersede local policies and practices. When a collective negotiations agreement is silent on a particular issue, the policy, procedure and/or guideline prescribed in this Manual, which is not mandatorily negotiable, shall control.** **An employee who violates policies or procedures set forth in this Manual may be subject to disciplinary action.**
4. The Manual is designed to be a working guide for supervisory and staff personnel in the day-to-day administration of the Township’s employees. These written policies are intended to increase understanding of Township policies, eliminate the need for personal decisions in matters of Township-wide policy making, and help ensure uniformity of policy enforcement throughout the Township. It is the responsibility of each and every member of management to administer these policies in a consistent and impartial manner.
5. As a general principle, the Township has a “no tolerance” policy towards workplace wrongdoing. Township officials, employees and independent contractors are to report anything perceived to be improper. The Township believes strongly in an “open door policy” and encourages employees to talk with their Supervisor, Department Head or the Business Administrator concerning any problem.
6. This Manual is not to be construed as a contract of employment or as a guarantee of any particular term of employment. Unless otherwise provided by state statute or employment contract, Township employees are at-will employees who serve at the pleasure of the Township.
7. The Business Administrator, pursuant to local ordinance, shall serve as the Supervisor of Personnel for the Township. Users of this Manual who encounter difficulty in administering or interpreting any policy or procedure in the Manual should discuss any such matter with their Department Head or, if necessary, with the Business Administrator.
8. **Distribution of Employee Handbook**

The Manual is an internal document for distribution to all Township employees. Each employee is responsible for the Manual assigned to him and must acknowledge receipt and review of the Manual by returning a signed acknowledgement form. This signed acknowledgement form will be made part of the employee’s permanent personnel file.

1. **Evaluation of Employee Handbook**

Procedures and practices in the field of personnel relations are subject to modification and further development in the light of experience. Each member of management can assist in keeping the Township’s personnel program up to date by notifying the Business Administrator whenever problems are encountered or improvements can be made in the administration of the Township’s personnel policies. The Manual shall be reviewed and revised as necessary by the Township and the Township reserves the right to revise the Manual at any time and for any reason.

**Chapter One**

**Management Rights**

The Township reserves the right to rescind or revise any or all policies that are not set by any valid collective negotiations agreement, federal or state Law, or the New Jersey Administrative Code. Furthermore, the Township of Denville hereby retains and reserves unto itself, without limitation, all powers, rights, authorities, duties and responsibilities conferred upon and vested in it by federal and state law. including, but not limited to, the following rights:

1. To manage and control the affairs of the Township of Denville, its properties and facilities, the operations of its departments and the work activities and scheduling of employees;
2. To hire and promote all employees based on their merits and qualifications, as well as define standards of performance and conditions for continued employment or assignment, promotion and transfer;
3. To determine staffing levels for each department;
4. To layoff, suspend, demote, discharge or take other disciplinary action;
5. To establish rules, regulations, policies and procedures to effect the orderly and efficient administration of the Township of Denville personnel management system.

The Township of Denville does not offer tenured or guaranteed employment except as provided for by law.

**Chapter Two**

**Recruitment, Selection and Appointment**

### A. Authorized Compliment

The Business Administrator is the hiring authority for the Township of Denville. Only those positions that have been authorized by Administration and funded by the Township Council may be filled. On an annual basis, the Mayor shall propose and the Township Council shall approve through the annual budget process an authorized compliment of positions for each department within the Township. Requests for increases in a department’s authorized compliment should be included with annual departmental budget requests.

On occasion, budget projections or unexpected increases in workload will create a need for additional personnel throughout the year. The following procedure is used to secure authorization for additional personnel:

1. The Department Head prepares a memo for the Business Administrator, explaining and justifying the need and associated cost;
2. The Business Administrator shall discuss the request with the Mayor, Chief Finance Officer and Township Council, if required, pursuant to local ordinance; and
3. If deemed necessary and approval is granted, the Business Administrator shall take appropriate steps necessary to fill the vacancy.

### B. Recruitment

All recruitment activities shall be conducted in accordance federal and state law, Equal Employment Opportunity (EEO) policies and collective negotiations agreements, where applicable.

Vacancies normally result from resignations, dismissals or approved increases in a department’s authorized compliment. The decision to initiate recruitment action for approved positions is a decision made by the Department Head in consultation with the Business Administrator.

The Township shall accept applications for all vacant positions, but consideration shall only be given to those applications received while a specific position is open as indicated on the position announcement.

### C. Sources

When a job opening exists, various sources will be considered. They include, but are not limited to:

1. Promotion from within a department;
2. Transfers from other departments;
3. Advertising in local and regional publications;
4. Advertising, when appropriate, on the internet;
5. Minority training centers; and
6. Referrals from other employees.

### D. Selection Procedures

Appointments shall be made based on the merits of the individual candidates pursuant to the laws of the United States of America and the State of New Jersey, and in accordance with EEO policies and the Americans with Disabilities Act. Since Department Heads are significantly involved in the selection process, it is imperative that they be knowledgeable in the above stated laws, rules and regulations.

Recommended steps in the selection process for employees are as follows:

1. An individual interested in seeking employment with the Township shall submit a satisfactory résumé/application;
2. The Department Head and/or Business Administrator or authorized designee shall conduct an interview of select qualified applicants;
3. A background investigation and physical shall be completed, where applicable;
4. The Department Head and the Business Administrator shall come to a consensus as to the most qualified applicant;
5. The Department Head or the Business Administrator shall provide the successful candidate with notification of appointment.

No person under the age of eighteen (18) shall be employed by the Township as a non-seasonal, full-time employee. No individual under the age of fifteen (15) shall be employed with the Township in any capacity.

Department Heads, in coordination with the Administration, are required to ensure a Personnel Action Form is submitted to the Business Administrator and a new employee has properly completed all necessary enrollment/eligibility paperwork (i.e. I-9, W-4 tax form) before he/she is permitted to commence employment.

##### E. Physical Examinations

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

##### F. Nepotism Procedure

1. It shall be the Township’s policy that the employment of immediate family members shall be subject to the guidelines set forth below to ensure objective fairness in employment practices. For purposes of this policy, “immediate family members” shall include:
	1. spouses/civil union partners and domestic partners;
	2. children, parents, stepchildren, grandparents, daughters-in-law, sons-in-law, grandchildren, nieces, nephews, uncles, and aunts, whether biological or adopted; and,
	3. any person related by blood, adoption or marriage who resides in the employee’s household.

2. Immediate family members shall NOT be employed in regular full-time or regular part-time positions where:

1. One relative would have direct, immediate supervision over the other;
2. One relative would have the authority to determine, or recommend determinations, affecting the appointment, promotion, supervision, disciplining, continued employment or evaluation of the performance of the other; or
3. Other circumstances exist that would place the relatives in a situation of actual or reasonably foreseeable conflict between the Township’s interests and the individual’s interests.
4. This prohibition against the employment of immediate family members shall apply to the specific division, department, office or unit in which the ground(s) for disqualification exists except in those cases in which the ground(s) for disqualification apply on a Township-wide basis, in which case the prohibition shall likewise apply on a Township-wide basis.
5. In instances in which immediate family members are employed in violation of this policy, or become subject to the policy for the first time, (e.g., due to a new marriage), the Township shall allow the affected employees thirty (30) days to determine who shall remain in the Township’s employ and who shall resign. If no such determination is made by the affected employees within thirty (30) days, the Township shall determine, at its discretion, which of the affected employee(s) shall be terminated and which shall be retained. The Township may, in appropriate cases and at its sole discretion, use alternate means to place the affected employees in non-prohibited employment when such alternate means are available, (e.g.,transfer to an existing vacant position for which the employee is qualified). However, the Township shall in no case be required to use such alternative means.

**G. Confidentiality**

The nature of certain business conducted by the Township, such as certain litigation, medical records and specific personnel issues are of a proprietary, sensitive and/or confidential nature. It is therefore essential that Township employees not discuss such business in public. While most of the Township’s actions are open to the purview of the public pursuant to the Open Public Records Act, authorization to disseminate certain information rests with the Business Administrator and Township Attorney and not with individual employees.

##### H. Conflict of Interest

No officer or employee of the Township of Denville, or members of their immediate families, shall have an interest in a business organization or engage in any business transaction that would place the officer or employee in substantial conflict with the proper discharge of their duties and the public interest; secure unwarranted privileges or advantages for himself or others; act in their official capacity in any manner where they or a member of their immediate family has a direct or indirect financial or personal involvement that might reasonably be expected to impact their objectivity or judgment; or solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing their decisions, directly or indirectly, in the discharge of their duties. Business dealings that appear to create a conflict between the employee and the Township are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Township Clerk a state mandated disclosure form. The Township Clerk will notify employees and Township officials subject to the filing requirements of the Act.

All Township employees shall conduct their official and private business so that they never have a conflict of interest, or give the appearance of a conflict of interest, to the public. Specifically, no Township employee shall engage in any business transaction that is in conflict with the proper discharge of his/her official duties, which would impair his/her independent judgment or which would appear to a reasonable observer to present a conflict of interest or impairment of judgment.

No Township employee shall use or attempt to use his/her official position to secure unwarranted privileges not available to the public generally. Employees are required to disclose possible conflicts so that the Township 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 Business Administrator to obtain clarification.

**I. Gifts and Gratuities**

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Under no circumstances may employees accept donations, gratuities, contributions or gifts from vendors doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. The specific provisions of this policy are as follows:

1. No gift may be accepted that has an obvious monetary value such as cash, gift certificates, and/or sports/theater tickets;
2. No gifts of alcoholic beverages may be accepted;
3. No gifts may be accepted from vendors, developers or others doing business or seeking to do business with the Township;
4. Nominal value food gifts may be accepted provided:
	1. The donor’s name is not disclosed.
	2. The gift is offered for both public and employee consumption, in accordance with Public Health laws and regulations.
5. No gift may be accepted with an estimated value exceeding $25.00 or multiple gifts with a cumulative total exceeding $25.00 in a calendar year;
6. Employees may accept an invitation to lunch or a meal provided the $25.00 limit as described in #5 herein is observed;

Employees are required to report to the Business Administrator any offer of donation, gratuity, contribution or gift that is violation of this policy. The safest guideline for employees to follow is to respectfully reject all gifts.

**J. Political Activity**

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

**K. Processing and Orientation of New Employees Procedure**

All new regular full-time and regular part-time employees will be scheduled to meet with the Business Administrator and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Business Administrator for inclusion in the employee’s official personnel file. The orientation will include:

* A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
* The completion of all pertinent personnel, payroll, insurance and pension forms;
* A review of the Employee Handbook and acknowledgement of receipt;
* A review of the Employee Complaint Policy;
* A safety orientation and acknowledgement; and
* Arrangements for the new employee to complete required PEOSHA safety training, if applicable.

**L. Initial Employment Period Procedure**

This procedure covers non-represented employees to the extent that their employment agreement, if applicable, does not cover same. It also covers represented employees to the extent that their collective negotiation agreements do not cover these issues. Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) shall be hired subject to an initial employment period of not less one (1) year as determined by the Business Administrator. Said probationary period may be extended an additional three (3) - thirty (30) day periods upon notification to the Association by the Township, if applicable. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Business Administrator, with consultation from the Supervisor/Department Head, concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period.

Nothing in the procedure set forth in this section shall alter the Township’s employment ‘at-will’ policy. Employment with the Township of Denville is ‘at-will’ and may be terminated at any time with or without cause or notice by the Township or the employee.

**Chapter Three**

**Employee Rights and Obligations**

**A. Anti-Discrimination Policy/Equal Employment Opportunity Policy**

The Township is an equal opportunity employer and 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 shall the Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels he/she has been treated unfairly, he/she has the right to address their concern with their Supervisor, or if they prefer their Department Head, or the Business Administrator.

The Township complies with all federal and state laws and regulations governing affirmative action and prohibiting discrimination in the delivery of government services, programs or activities, including employment practices and access and accommodation to municipal facilities. The Township has designated the Purchasing Agent as the Public Agency Compliance Officer (PACO) to monitor the compliance of all public contracts pertaining to state and federal affirmative action regulations. An Affirmative Action Questionnaire must be completed by a company prior to the signing of any contract.

**B. Americans with Disabilities Act Policy**

In compliance with the Americans with Disabilities Act, (“ADA”), the ADA Amendments Act and the New Jersey Law Against Discrimination, the Township does not discriminate based on disability. The Township 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 ADA Accessibility guidelines, as well as the ADA Amendments Act.

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

The Business Administrator or his designee shall engage an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

In addition, Township employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Township facilities. Any questions concerning proper assistance should be direct to the Business Administrator.

**C. Contagious or Life Threatening Illnesses Policy**

The Township of Denville 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 Township of Denville shall make reasonable accommodations in accordance with state and federal law 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. The Township will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

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

Supervisors, Department Heads 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 Business Administrator.

**D. Safety Policy**

The Township will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township is equally concerned about the safety of the public. Consistent with this policy, employees shall receive periodic safety training and shall be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational unsafe condition, practice, procedure or act must be immediately reported to the Supervisor or Department Head. Any on-the-job accident or accident involving Township facilities, equipment or motor vehicles must also be immediately reported to the Supervisor or Department Head and the Township Safety Administrator.

The Township has appointed a Safety Committee that meets on a quarterly basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representatives.

**E. Drug and Alcohol Policy**

The Township is committed to providing and maintaining an alcohol and drug free work place. Accordingly, no Township employee is permitted to be under the influence of alcohol or illegal drugs during work time. If the Township suspects an employee of being under the influence of an illegal drug or alcohol during the work day, the Township shall, based upon this reasonable suspicion, compel the employee to undergo a substance abuse screening. The time and location of this screening shall be determined at the Township’s sole discretion. If the employee is found to have been under the influence of alcohol and/or an illegal drug or refuses to submit to a substance abuse screening, the employee shall be subject to disciplinary action, up to and including immediate termination of employment.

All employees whose jobs are covered by the regulations of the Federal Department of Transportation shall be subject to and shall be required to comply with the program of substance abuse testing including, but not limited to, random drug testing as required by the federal government. All other employees shall be subject to “Post Accident Testing” in the event they are involved in a motor vehicle accident while operating a Township owned or leased vehicle. In addition, whenever the employee’s work performance causes a reasonable suspicion that the employee is impaired due to current intoxication and/or drug use, the employee shall be required to submit to alcohol, drug or controlled substance testing.

Employees using prescription drugs that may affect job performance or safety are required to notify the Business Administrator who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act (“HIPPA”). Township employees who hold a Commercial Driver’s License (“CDL”) are subject to the provisions of the Commercial Driver’s License Drug and Alcohol Testing Policy.

Should a Township employee’s test produce a positive result for drugs and/or alcohol during working hours, the following disciplinary action shall take place:

**1st Offense** – Ten (10) day suspension without pay and mandatory substance abuse counseling program enrollment.

 **2nd Offense** – Immediate termination of employment

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

**F. Workplace Violence Policy**

The Township of Denville shall not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate termination of employment and potential legal prosecution. This includes any violence or threats made on Township property, at Township events or under other circumstances that may negatively affect the Township’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 Township property or property of another employee;
* Possession of a weapon while on Township property or while on Township business except with the authority of the Police Chief; and
* Committing acts motivated by, or related to, sexual harassment or domestic violence.

All employees have an affirmative obligation to immediately notify their Supervisor, Department Head and/or Business Administrator of any potentially dangerous situations of the aforementioned nature. The Township shall actively intervene in any potentially hostile or violent situation for the protection of its employees, the public and/or vendors.

**G. General Anti-Harassment and Anti-Sexual Harassment Policy**

The Township shall maintain a strong commitment to provide a work environment free from unlawful harassment of an employee by another employee, elected official, management representative, supplier, volunteer or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law.

**The Township shall not tolerate unlawful harassment.**

Unlawful harassment is defined as unwelcome conduct that occurs because of an individual’s protected characteristic listed herein, which a reasonable person sharing that protected characteristic would consider sufficiently severe or pervasive as to alter employment conditions and create an intimidating or hostile work environment.

Instances that may violate the Township’s policy against unlawful harassment and which may result in disciplinary action include the following:

* + *Unwelcome remarks and/or actions based on a protected classification.* This may include, but is not limited to, inappropriate jokes, comments or posted materials.
	+ *Threats or suggestions that an employee’s employment and/or work status will be adversely affected based upon a protected classification.*
	+ *Affecting or denying employment opportunities or benefits to an employee based upon a protected classification.*
	+ *Engaging in a negative tangible employment action based upon a protected classification.*
	+ *Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy.*

Acts or incidents of unlawful harassment should be promptly reported in accordance with the procedures outlined below. The Township will promptly investigate all reports of unlawful harassment. Employees who violate this Policy will be subject to disciplinary action up to and including termination of employment. Employees who violate this Policy also risk personal legal liability.

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

Sexual Harassment

1. It shall be the policy of the Township that all employees have a right to work in an environment free from any type of discrimination, including freedom from sexual harassment of an employee by another employee, management representative, elected or appointed official, supplier, volunteer or business invitee. Sexual harassment of a non-employee by employees is also prohibited. Accordingly, the Township prohibits sexual harassment of or by employees in any form.
2. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee’s refusal to submit to sexual advances will adversely affect the employee’s employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
3. Other sexually harassing conduct in the workplace, whether committed by a supervisor or non-supervisory personnel, is also prohibited. This includes, but is not limited to, repeated offensive sexual flirtations; advances, propositions, and continual or repeated verbal abuse of a sexual nature; graphic verbal commentaries about an individual’s body; sexually degrading words used to describe an individual; and display in the workplace of sexually suggestive objects or pictures.
4. Employees who believe they have been subjected to sexual harassment should immediately contact their Supervisor, Department Head and/or Business Administrator. No retaliatory action shall be taken against any employee for registering a complaint of sexual harassment. All complaints shall be impartially investigated and promptly resolved.
5. Violation of any of these rules shall result in disciplinary action, up to and including termination of employment.

Harassment Reporting

The Supervisor and Department Head are responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action, up to and including termination of employment. Special care must be exercised by Supervisors and Department Heads whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the supervisor or person of higher rank.

Complaint Procedure

Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident directly to the Business Administrator or his designee. If circumstances prevent reporting the incident directly to the Business Administrator, the employee should report the incident to his/her Supervisor or Department Head. One of the designated individuals must be promptly advised of such complaint. If the complaint involves a direct supervisor, the employee is not required to complain to that direct supervisor. The complaint should then be made to any of the other above mentioned individuals. A complaint of harassment shall be investigated in a timely manner.

The initial complaint may be made verbally or in writing. If the complaint is made verbally, same shall be reduced to a written document, which shall, if it is deemed accurate, be signed by the complainant. If an individual is uncomfortable making a written complaint, the Township may proceed with its investigation without a formal written complaint.

The complaint must include the following information:

1. The name and department of the complainant;
2. The name and department of the alleged harassing party;
3. The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
4. Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.

Nothing in this section shall prevent the complainant from providing other information or documents he/she believes are essential to the fair adjudication of his/her case.

 Investigation Procedure

Once a complaint has been registered or a harassment situation has become known to the Township, a prompt, fair and thorough investigation shall be conducted to determine the meritorious character of the complaint.

If the Township determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include being suspended without pay pending a hearing, a written warning, suspension, demotion or termination of employment.

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation shall result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint shall be given the utmost protection of privacy.

Liability

Because the Township prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint shall be solely responsible for paying all costs of defense and/or any damages resulting therefrom which are awarded by any proper court of law or after an administrative hearing.

False Accusations

Since a charge of harassment is a grave and serious one, false accusations of harassment are, and shall, be treated as a disciplinary offense. Such false accusations shall result in disciplinary action.

Any employee with questions regarding the Township’s Anti-Harassment Policy may contact the Business Administrator.

**H. New Jersey Conscientious Employee Protection Act (“Whistle Blower” Policy):**

The Township of Denville acknowledges that its employees have a moral, ethical, professional and legal obligation to report, to the proper authorities, any suspected wrongdoing or illegal activities of the Township, Township employee(s), or the Township’s agents. The Township shall take no retaliatory action against an employee when:

1. The employee discloses to a supervisor, or to another public agency, a Township activity, policy or practice that is reasonably believed to be a violation of a law, rule or regulation, or
2. When the employee does provide information to, or testifies before, any other public agency that is investigating any such allegation, or
3. When the employee objects to or refuses to participate in any activity that the employee reasonably believes is a violation of a law, rule or regulation or is fraudulent or incompatible with a clear mandate of public policy involving matters of public health, safety, or welfare.

These protections are further detailed in a New Jersey State law known as the Conscientious Employee Protection Act (“CEPA”) included in the appendix of this manual and shall be communicated by way of a CEPA Notice to all employees in English and Spanish, on an annual basis. The CEPA Notice will also be conspicuously posted. Employees are required to sign a written acknowledgement that they have received, read and understood the CEPA Notice.

The foregoing protection shall be provided to each employee, but only if the employee has disclosed the activity that he/she believes violates the law. That disclosure must be in writing and made to the Business Administrator, or authorized designee. Such written disclosure must be made prior to making a disclosure to another public body. Following disclosure to the Business Administrator or designee, the Township shall be given a reasonable opportunity to correct the violation. However, 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) in certain cases of emergency or egregious violations, the employee will be afforded such CEPA protection even if the aforementioned conditions are not met.

Under CEPA, an employee must give the Township a reasonable opportunity to correct the activity, policy or practice. The administration of whistleblower complaints is not subject to the limitations in the Grievance Policy.

**I. Professional Conduct**

1. **It shall be the duty and responsibility of all employees of the Township of Denville to address the public and their fellow employees in a pleasant, courteous and businesslike manner at all times.**
2. Employees are expected to answer questions from residents to the best of their ability and refer questions to the appropriate departments whenever appropriate. All dealings with the public shall be in accordance with the New Jersey Code of Ethics. Employees should remember that as public employees, their actions, salaries and functions are subject to public purview and comment.
3. If an employee is found to be conducting himself/herself in a manner contrary to the provisions stated above, he/she shall be subject to disciplinary action, up to and including termination of employment.

**J. Access to Personnel Files**

The official personnel file for each employee shall be maintained by the Business Administrator or the Department Head, as appropriate. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

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

The official file shall include at least the following:

* The original application signed by the employee;
* Notes from any pre-employment interview and reference check;
* The original letter detailing an offer of employment and any additional correspondence concerning the employee’s hiring;
* A signed acknowledgement that the employee has received the Employee Handbook;
* A signed acknowledgement that the employee received the safety orientation;
* Annual written performance evaluations including documentation that the evaluation was reviewed with the employee, if applicable;
* Counseling Action Plans;
* Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
* Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
* Educational transcripts; and
* Any other pertinent information.

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

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

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

**K. Chain-of-Command**

All employees are required to follow the proper chain-of-command. Employees are not permitted to circumvent the chain-of-command or discuss an issue with a higher level in the chain-of-command without notifying their immediate supervisor, in writing, that the employee feels the need to go to the next level. Employees shall be permitted to go to the next level only after their immediate supervisor has had an adequate opportunity to address the issue at hand. Under no circumstance shall an employee go to a member of the Township Council or Mayor to discuss an issue without advance authorization from his/her Department Head/Supervisor and the Township Business Administrator.

In instances where there is a complaint about improper activity that involves an employee’s immediate supervisor, the employee may bypass that immediate supervisor and proceed to the next level of the chain-of-command, up to and including the Township Business Administrator.

The following constitutes a model chain-of-command. Due to the size of your specific department, all of the following levels may or may not be present and in some cases the specific titles in your department may be different from the generic titles listed below:

 Mayor

Township Business Administrator

 Department Head

 Assistant/Deputy Department Head

 Shift/Project Supervisor

 Employee

An employee’s failure to follow the proper chain-of-command may result in disciplinary action.

**L. Department Rules, Regulations and Directives**

A Department Head may establish, amend and supplement rules, regulations and directives for governing the internal operations of his/her Department. Such Department rules, regulations and directives shall not be inconsistent or in conflict with any federal or state law or regulation; municipal ordinance or policy; or respective union contract.

The rules, regulations and directives established for each Department shall be in writing and shall be binding on all persons subject to the jurisdiction of the Department. A written copy of said rules, regulations and directives shall be distributed to the personnel of the Department affected thereby and shall be available or posted at the headquarters of the Department. Copies of departmental rules, regulations and directives shall be available to employees upon request.

**M. Employee Evaluation Policy**

Employee job performance should be evaluated on a periodic basis on forms provided by the Business Administrator.

Department Heads will complete the evaluations for each employee and discuss those evaluations with the employee. The employee must then acknowledge that he/she has reviewed the evaluation. A Department Head’s job performance shall be evaluated by the Business Administrator who shall discuss the evaluations with the individual Department Heads. Department Heads must also acknowledge that they have received the evaluation as prepared by the Business Administrator.

**N. Employee Discipline Policy**

All employees are expected to meet the Township’s work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township’s policies and procedures and other disciplinary problems.

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

* VERBAL REPRIMAND: Depending on the circumstances, the Supervisor, Department Head and/or Business Administrator may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. A record of the verbal reprimand including the date, time and what was discussed with the employee shall be prepared. This record shall be placed in the employee’s official personnel file.
* WRITTEN REPRIMAND: When a Supervisor and/or Department Head determine that a written reprimand is appropriate, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e. suspension/termination) if the problem is not corrected or reoccurs. A copy of the written reprimand shall be placed in the employee’s official personnel file.
* SUSPENSION: Whenever an employee is recommended for suspension, the Business Administrator shall make the determination and may seek the advice of the Labor Attorney, if appropriate. A copy of the record of the suspension shall be placed in the employee’s official personnel file.

* DISMISSAL: Whenever an employee is recommended for dismissal, the Business Administrator shall make the decision only after seeking the advice of the Labor Attorney. There must be a complete review of the employee’s personnel file and all other facts to determine if there is sufficient cause for the dismissal.

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

* Falsification of public records, including attendance and other personnel records.
* Failure to report absence.
* Harassment of co-workers, volunteers and/or visitors.
* Theft or attempted theft of property belonging to the Township of Denville, fellow employees, volunteers and/or visitors.
* Failure to report to work the day or days prior to or following a vacation, holiday, and/or any other unauthorized day of absence.
* Fighting on Township property at any time.
* Being intoxicated or under the influence of illegal drugs on Township property at any time during work hours.
* Possession, sale, transfer or use of intoxicants or illegal drugs on Township property at any time during work hours.
* Insubordination.
* Entering the building without permission during non-scheduled work hours.
* Soliciting on Township premises during work time. This includes, but is not limited to, distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
* Careless waste of materials or abuse of tools and/or equipment.
* Deliberate destruction or damage to Township or suppliers’ property.
* Sleeping on the job.
* Carrying weapons of any kind on Township premises and/or during work hours, unless carrying a weapon is a function of the employee’s job duties.
* Violation of established safety and fire regulations.
* Unscheduled absence and chronic or excessive absenteeism.
* Chronic tardiness.
* Unauthorized absence from work area, and/or roaming or loitering on the premises or off premises, during scheduled work hours.
* Defacing walls, bulletin boards or any other Township or suppliers’ property.
* Failure to perform duties, inefficiency or substandard performance.
* Unauthorized disclosure of confidential Township information.
* Gambling on Township premises.
* Horseplay, disorderly conduct and use of abusive and/or obscene language on Township premises.
* Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
* Violation of federal or state laws, Township rules, ordinances or regulations concerning drug and alcohol use and possession.
* Conviction of a crime or disorderly persons’ offense.
* Violating any Departmental rule or policy.
* Violation of Township policy, procedure and/or regulation.
* Misuse of public property, including motor vehicles.
* Unauthorized use of computers, internet, cell phones and e-mail.
* Violation of the Standards of Professional Conduct towards the public or fellow employees.
* Conduct unbecoming a public employee.
* Other sufficient cause.

This list is for illustrative purposes only and the Township reserves the right to discipline for other reasons as appropriate. Major disciplinary action includes termination, disciplinary demotion or suspension or a fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or a fine of five (5) working days or less.

**O. Employee Termination Policy**

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

* Incompetence, inefficiency or failure to perform duties.
* Conviction of a crime.
* Violation of Township policies, procedures and regulations.
* Falsification of public records, including personnel records.
* Violation of any federal, state or Township law or regulation concerning drug and alcohol use and/or possession.
* Chronic or excessive absenteeism or lateness.
* Misuse of public property, including motor vehicles.
* Conduct unbecoming a public employee.
* Other sufficient cause.

This list is for illustrative purposes only and the Township reserves the right to terminate for other reasons as deemed appropriate.

To the maximum extent permitted by law, the employment practices of the Township shall operate under the legal doctrine known as “employment at-will.” Subject to state and federal law and any applicable bargaining unit agreement, the Township shall have the right to terminate an employee at any time and for any reason without notice.

**P. Resignation Policy**

An employee who intends to resign must notify the Supervisor or Department Head in writing, at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and equipment.

**Q. Work Force Reduction Policy**

The Township shall make reasonable efforts to prevent reductions in the total workforce. However, the Township retains the right to reduce its workforce based upon reasons of economy, efficiency or other related reasons. The Township may reduce its workforce on the basis of length of service of an employee with the Township, length of service in the position, and/or special skills required in the job function. The Township may rehire employees released or terminated through layoff at its discretion. However, it shall not reemploy anyone terminated for cause.

**R. Driver’s License Policy**

Any employee, volunteer, consultant, or elected official whose work requires the operation of Township vehicles must hold a valid New Jersey State Driver's License.

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

Periodic checks of an individual’s driver’s licenses through visual and formal Department of Motor Vehicles review checks shall be made by the Township Safety Administrator. Any employee who does not hold a valid driver's license shall not be allowed to operate a Township vehicle until such time as a valid license is obtained.

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

The following shall be used to evaluate the motor vehicle records (“MVR”) information:

Acceptable: No moving violations and/or accidents within the last 36 months

Marginal: Up to two (2) moving violations and/or accidents within the last 36 months.

Probation: Up to three (3) moving violations and/or preventable accidents within the last 36 months.

Unacceptable: More than three (3) moving violations and/or preventable accidents within the last 36 months, or more than two (2) moving violations and/or preventable accidents within the most recent year or any of the violations listed below:

* Driving while under the influence (DWI or DUI)
* Leaving the scene of an accident
* Careless or reckless driving violations
* Homicide or assault through the use of a motor vehicle
* Attempting to elude a police officer
* Drivers who currently have a revoked or suspended license

Drivers with acceptable, marginal or probation grading may be allowed to operate Township vehicles or their personal vehicle when a Township vehicle is not available to conduct municipal business.

Drivers with marginal or probation grading shall have their MVRs reviewed more frequently. Additional violation or accidents shall result in suspension of driving privileges of Township vehicles and may result in temporary or permanent demotion, suspension, and/or termination depending upon the nature of the offense and the nature of the individual’s job duties/responsibilities.

Drivers with unacceptable driving records shall not be permitted to operate a Township vehicle, nor shall they be permitted to use their personal vehicle when a Township vehicle is not available to conduct municipal business.

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

**S. Employee Complaint Investigation Procedure**

Employees have the right to formally or informally report any statement, act or behavior by a co-employee, supervisor, elected official or visitor which they believe to be improper.

* REPORTING: Employees should be asked to report complaints in writing, but are not compelled to do so.
* IDENTIFICATION/SCREENING: The Supervisor, Department Head, Business Administrator or Township Attorney must report all written or verbal complaints to the Business Administrator, unless the complaint is against the Business Administrator. Upon receipt, the Business Administrator shall determine if the complaint was made pursuant to the general Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy (“CEPA”), a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no latter that ten (10) days after receiving the complaint, the Business Administrator or investigator appointed by the Business Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Business Administrator or investigator shall prepare written notes of the date, time and place of the complaint and the specific allegations. These notes shall be read back to the employee who shall then be asked to affirm, preferably in writing, the information’s accuracy.
* INVESTIGATION: The Business Administrator shall seek the advice of the Labor Attorney when planning the investigation. The investigation shall be conducted by the Labor Attorney or County Prosecutor if it involves potential criminal charges. The investigation shall establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation shall also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
* RESPONSE PLAN (No Corrective Action Required): The Business Administrator shall discuss the conclusions with the Labor Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee shall be notified in writing. Care shall be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee shall be assured that future complaints shall be investigated and that the Township is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
* RESPONSE PLAN (Corrective Action Required): If the investigation reveals that the complaint is justified and substantiated, the Business Administrator shall formulate with the advice of the Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee shall be notified, in writing, that it appears the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan shall be attached to the letter. The response plan shall provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

**T. Requests for Employment Verification and Reference Procedure**

Verification shall be limited to employee’s name, dates of employment, job title(s), and final salaries. Requests for employment verification regarding a current or former employee must be referred to the Finance/Payroll department. No employee may issue an employment verification letter without the permission of the Finance Officer. Under no circumstances should any information be released over the phone.

No employee shall issue a reference letter or personnel information without the permission of the Business Administrator. No information shall be furnished unless (1) the Township is required to release the information by law or (2) the employee or former employee authorizes the Township in writing to furnish this information and releases the Township from liability.

**U. Open Public Meetings Act Procedure concerning Personnel Matters**

Discussions by the governing body or any body of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted.

Prior to the discussion by the governing body or any body of the Township concerning such matters, the Municipal 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 Township may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

**Chapter Four**

**Workplace Policies**

**A. Job Description/Classification Policy**

Employee – means an individual appointed by the Business Administrator and/or Mayor (with consent of the Township Council, where applicable by law) and paid a salary or hourly rate, and whose position is authorized in the Township’s operating budget and paid through the Township’s payroll.

Full time employee – an employee who is retained to work thirty-five (35) hours or greater in a defined work week. Only those employees classified as full-time, by local policy or applicable federal law, are eligible to participate in the Township’s group health insurance plan.

Part time employee – Permanent part-time employees working ten (10) hours or more per week are eligible for the same leave benefits as permanent full-time employees, but with the credit for sick leave and vacation pro-rated on the basis of the ratio of regular hours per week worked to the normal work week for the same unit.

Temporary or summer employee – an employee who works for a limited period of time, either for a specified time period or for the period that funding remains available. Since their work is temporary, these employees do not receive any Township benefits.

The Township of Denville recognizes collective bargaining agreements with the following units:

* P.B.A. Local #142
* Denville Public Works Employees’ Association
* Denville Public Works Supervisors’ Association
* Denville Township Supervisory Employees’ Association
* Denville Township Employees’ Association

A job description shall be maintained for all positions. All job descriptions must be approved by the Business Administrator.

**B. Attendance, Punctuality and Personal Visits**

1. All employees are required to report to work on time on a regular basis. Unnecessary absenteeism and lateness is expensive and places an unfair burden on other employees, supervisors, Township services as a whole and those who receive or depend upon those services. An employee who is unable to report to work on time because of illness or personal emergency shall notify his/her Supervisor and/or Department Head as soon as reasonably practicable (no later than fifteen (15) minutes after the scheduled start of the employee’s shift).
2. It shall be the employee’s responsibility to ensure proper notification of absence from work is provided. Asking another employee, friend, or relative to give this notification is not considered proper except under emergency conditions.
3. The official business hours of the Township of Denville municipal building are 8:00 A.M. to 4:00 P.M., unless otherwise specified, with one (1) hour for lunch. The lunch period is flexible so that all departments are staffed by at least one (1) employee during normal business hours. As a rule, lunch periods are required to commence no earlier than 11:00 A.M. and no later than 2:00 P.M. The specific lunch periods shall be scheduled by the employee’s Supervisor or Department Head. The official business hours of the Department of Public Works are 7:00 A.M. to 3:30 P.M, with a 30-minute lunch. The normal work week consists of five (5) consecutive days, Monday through Friday, unless otherwise specified.

4. All employees are expected to devote their full time and energies to completing their assigned tasks and other Township related duties. Telephone calls and social visits by spouses, children, other relatives and friends during normal working hours are disruptive and shall not be tolerated.

Repeated social visits from an employee’s acquaintances, unjustified or chronic absenteeism and/or tardiness shall all be cause for disciplinary action, up to and including termination of employment.

**C. Dress Code Policy**

Each employee is expected to dress appropriately for the job and to project a professional image at all times. Appropriate standards should be set by each Department Head, considering such factors as:

* Nature of work.
* Safety, including necessary precautions when working with or near machinery.
* Nature of employee contact with the public and the normal expectations of outside parties toward employees.
* Practices of others in similar positions in the Township.
* Considerations of the professional image that the Township of Denville wishes to project.

For administrative staff, the existing dress code policy is that Monday thru Thursday are to be business casual days and, as a privilege, Friday is a “dress down” day. General guidelines for business casual are as follows:

* WOMEN: skirts that reach at or below the knee, full, cropped or Capri-length pants, not made of denim material, combined with a neat, clean top such as a dress blouse, golf shirt or sweater.
* MEN: non-demin pants such as cotton slacks or khakis with a clean, neat dress or golf shirt. Tie preferred, but not obligatory.
* FRIDAY “DRESS DOWN”: Employees are permitted to wear pants made of denim material along with a neat golf shirt or sweater.
* PROHIBITED ALL DAYS: Rumpled or ripped clothing, miniskirts, revealing or extremely tight attire, tank tops, clothing with inappropriate slogans or drawings, torn pants or jeans and/or plastic/rubber flip flops.

Employees who are provided with uniforms or a clothing allowance are expected to wear their uniforms while on duty. Failure to wear a uniform in accordance with contractual agreements or departmental rules may result in disciplinary action.

With the advance approval of the Business Administrator, the Township will make reasonable religious accommodations that do not violate safety standards.

Employees violating this policy shall be required to take corrective action or will be sent home without pay.

**D. No Smoking Policy**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Smoking shall be strictly prohibited within all buildings, structures or facilities owned, operated, leased or controlled by the Township of Denville, including conference rooms, private offices, restrooms, lunch rooms, hallways, stairways, work areas and any other space within said buildings, structures or facilities.

This smoke-free policy and prohibition shall extend to all normal work day activities of all departments, all evenings, weekends and holidays, and includes the meetings held by any Board, Council or Commission of the Township of Denville.

This smoke-free policy and prohibition shall extend to all court sessions and all special groups or organizations granted permission to use municipal premises.

This smoke-free policy and prohibition shall also apply to all Township-owned vehicles.

Smoking is permitted outside of the Municipal Building in an area designated by the Business Administrator.

All Supervisors and Department Heads are responsible for enforcement of the smoke-free policy. Violators of this policy, including said Department Heads and Supervisors, shall be subject to disciplinary action.

**E. Use of Vehicles Policy**

Township owned vehicles shall be used only for official business and all passengers must be on Township business. Personal use of Township vehicles is prohibited and shall be cause for disciplinary action and/or termination of employment. Personal use of a Township vehicle includes, but is not limited to, performing shopping or personal business that is not directly related to one’s employment. Family members may not be transported in Township vehicles, as this is a form of personal use. Township vehicles should not be used to transport the general public, as this subjects the Township to liability.

An employee who is also employed by another governmental entity may use a Township vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Township and the other jurisdiction.

Vehicles may be taken home only with the advance approval of the Business Administrator. When an individual is granted permission to take home a Township vehicle, it is to be used only for official Township business. Vehicles are to be locked and secured at all times while unoccupied, and keys are not to be left in the vehicle at any time while the vehicle is unoccupied. Vehicles are not to be left running while unoccupied.

Township vehicles are to be operated in a safe manner at all times and within the legal speed limits. Exceptions include emergency response vehicles when on an emergency call. Employees are required to wear seat belts pursuant to state law while operating a Township vehicle. Employees driving a Township vehicle are not entitled to any special privileges, and each employee shall be held responsible for any traffic citations received while on duty.

While operating a Township vehicle, employees are required to utilize a hands-free device while talking on the telephone. Employees are prohibited from texting or utilizing a cellular telephone in a way inconsistent with state law. Violation of this provision shall subject an employee to disciplinary action and the employee shall also be responsible for any citations that may have been issued.

All individuals in a position in which the use of a Township vehicle is necessary are required to possess a valid driver’s license. The Township also reserves the right to check the driving abstract of any individual who will be driving vehicles covered under the Township’s motor vehicle insurance policy.

Employees who incur any loss of driving privileges while employed by the Township are required to notify their supervisor within the first working day following the suspension or revocation of such privileges.

The Township reserves the right to track all of its municipal assets, including Township vehicles, to ensure these vehicles are being used in a manner consistent with provision of this policy.

Maintenance of Vehicles

Vehicles assigned to employees are to be kept clean and in good condition and serviced in accordance with the preventative schedule applicable to that vehicle. Periodic inspections, as required by the New Jersey Department of Motor Vehicles, shall be the responsibility of the department to which the vehicle is assigned.

Accidents

Any accident involving a Township vehicle shall immediately be reported to the Police Department and an official report form be requested. In addition, the employee should complete and forward to the Township Safety Administrator the appropriate Township accident report form. Upon any accident, the employee is responsible to secure any equipment in the vehicle. Any accident involving one or more vehicles or at the direction of the Business Administrator, the driver shall immediately submit to drug and alcohol test.

Failure to report any accident within forty-eight (48) hours of the incident, which involves a Township vehicle, shall result in disciplinary action.

Fueling

Township vehicles are to be fueled at the Township Fuel Facility in order to maintain appropriate usage records. Employees are not to use the fuel for any vehicle other than the one assigned or for any other purpose than usage in the assigned vehicle. Utilizing Township fuel in a manner inconsistent with this policy may be considered theft of gasoline.

Commuting

Township vehicles are not to be used for commuting to and from work unless specific permission has been obtained from the Business Administrator and the policies of this manual are followed.

* All vehicles used for commuting shall not be used by the employee for any other purpose than driving to and from work.
* Vehicles which are used for commuting shall be considered an additional income benefit to the employee. Pursuant to the rules of the Federal Internal Revenue Service, (“IRS”) this income benefit shall be computed at the mileage rate to be set annually based on the IRS rate.

Employees shall be eligible for mileage reimbursement at the IRS rate established at the beginning of each year for conducting work-related business in their personal vehicle only when a Township vehicle is not available.

Any violation of this policy shall constitute cause for disciplinary action up to and including immediate termination of employment.

**F. Telephone, Fax Machine, and Cell Phone Usage Policy**

Township telephones and fax machines are for official business. Employees are required to limit their usage of Township telephones for strictly business purposes. Furthermore, usage of personal cell phones should be limited to emergency calls only.

Township telephone bills shall be reviewed and employees may be asked to reimburse the Township for the cost of personal calls. At no time may long distance or toll calls of a personal nature be made at the Township’s expense. Charges for all other personal calls must be reimbursed to the Township.

Authorized employees issued cell phones by the Township shall be responsible for their use. Cell phones are only to be used by the authorized employee. Unauthorized use in excess of the allotted minutes will be the employee’s responsibility. If a cell phone is lost or stolen, it should be reported to the Purchasing Agent immediately. The use of a cell phone without an approved hand-held device or texting while driving Township vehicles or while driving on Township business is prohibited.

**G. Communications Media Policy and Video Surveillance Policy**

The Township respects the individual privacy of its employees. However, e-mail, voicemail, Internet, Township issued cellular devices and computer networks are for official business only. The use of the aforementioned communication mediums for non-business purposes is prohibited. All e-mail, voice mail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

Management’s Right to Access Information

E-mail, voicemail and computer network systems have been installed by the Township to facilitate business communications. The contents of the systems are accessible at all times by the Township. These systems should be treated like other shared filing systems.

E-mail and voicemail messages, to the extent these systems are utilized, may become public records. The Township reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Township as deemed necessary and appropriate and without prior notice. By using the Township e-mail, computer systems, voicemail and the Internet, each user agrees that the Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

Care In Use of E-Mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Township’s confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

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

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business, media or Internet outlet whether on or off-duty without the express written permission of the Business Administrator.

Personal Use of E-Mail, Voicemail, Internet and Computer Network Systems

Because the Township provides e-mail, voicemail, Internet, cell phones and computer network systems to assist employees in performing their jobs, employees should use them for official business only. The Township reserves the right to access and disclose as necessary all messages sent over its systems without regard to content.

Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to employees, and since the Township can monitor employees’ use of its computer network systems, employees should not use any of the aforementioned systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Township. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee’s fitness for duty or constitutes a violation of the personnel policies of the Township. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voicemail, Internet computer network systems, Township issued cell phones or any other Township issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages, unwelcome propositions, ethnic or racial slurs, or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

Violations of the Township’s policy of the use of e-mail, voicemail, Internet, network systems and Township issued cell phone or any other Township issued electronic device will subject the employee to discipline, up to and including immediate termination.

Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee’s messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to**.**

**H. Bulletin Board Policy**

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

**Chapter Five**

**Paid and Unpaid Time Off**

**A. Scope**

**These policies cover non-union employees to the extent any applicable employment agreements do not cover same. They also cover union employees to the extent that their collective negotiation agreements are silent on the specific provisions listed herein.**

**B. Paid Holiday Policy**

The following twelve (12) holidays shall be observed by the Township for full-time and regular part-time permanent employees:

 New Year’s Day

 President’s Day

 Good Friday

 Memorial Day Observed

 Independence Day

 Labor Day

 Veteran’s Day

 Thanksgiving Day

 Day after Thanksgiving

 ½ day (P.M.) Christmas Eve

Christmas Day

½ day (P.M.) New Year’s Eve

One (1) Personal Floating Holiday

If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it is observed the preceding Friday except for the half-day Christmas Eve and half-day New Year’s Eve holidays, which shall be observed on the Friday prior regardless of whether these days fall on either Saturday or Sunday.

To be eligible for holiday pay, employees must work their scheduled work day immediately preceding and immediately following the holiday unless on an excused absence.

In the event an official holiday is observed during an employee’s vacation or while on sick leave, the employee shall receive the holiday pay and shall not have that day charged against his/her vacation or sick leave time.

**C. Vacation Leave Policy**

All full-time and regular part-time employees shall be entitled to and receive vacation with pay in accordance with the following schedules:

After 4 months to 1 year 1 day per month starting with the fifth month of employment

 1 year to 4 years 10 working days

After 4 years to 14 years 10 working days plus 1 day per year of service after fourth year

After 14 years to 19 years 20 working days plus 1 day per year of service after fourteenth year

After 19 years 25 working days plus 1 day per year of service for each year in excess of 19 years, Up to a maximum of 30 working days

At the discretion of the Business Administrator, employees may be eligible to carry up to three (3) or five (5) days of vacation time from the year earned to the next succeeding calendar year. These carry over days will be the first utilized before any other time can be taken.

Vacation leave shall be credited to each employee annually, based upon his/her years of service. The leave shall be credited to the employee on January 1st for his/her use during the year. Upon retirement or voluntary resignation during the calendar year, employees shall be eligible for a pro-rata payment of their credited but unused vacation days up to their last physical date of work before their retirement or voluntary resignation.

**D. Personal Leave Policy**

Each employee will be entitled to personal leave days per year as follows:

 After 2 years of employment One (1) day

 After 3 years of employment Two (2) days

 After 4 years of employment Three (3) days

Unused personal days cannot be banked or carried over to the following year.

**E. Sick Leave and Terminal Leave Policy**

Sick Leave

Each regular full-time employee is entitled to compensable sick leave of fifteen (15) days per year and pro-rated for first year of employment.

Sick leave is paid leave that may be granted to each full-time and regular part-time employee who is unable to perform the duties of their position because of sickness or injury, quarantine by a physician because of exposure to a contagious disease, or emergency attendance upon a member of the immediate family (spouse, child, parent, or member of the household who is ill).

At the discretion of the Department Head or the Business Administrator, an employee may be required to provide the Township with acceptable medical evidence attesting to said employee’s inability to work if the sick leave extends for three (3) consecutive days or for more than ten (10) days during the course of a calendar year. Abuse of sick leave or failure to provide appropriate medical evidence may result in disciplinary action including suspension or termination of employment.

Employees hired between December 2005 and December 2011, not covered by a collective negotiations agreement, shall have the right to accumulate a Terminal Leave Bank with a cap of fifty (50) days.

Newly hired (not including promoted) employees, not covered by a collective negotiations agreement and hired on or after January 1, 2012, shall not be eligible for a Terminal Leave Bank. All remaining, unused sick leave at the end of a year shall be transferred to the Sick Leave Bank.

Terminal Leave Bank

Unless otherwise noted above, employees may add unused sick leave to their Terminal Leave Bank. This Terminal Leave Bank shall accumulate without limit on the basis of one-third (1/3) of unused sick leave per year, until the elected cap is reached.

Sick Leave Bank

A Sick Leave Bank was established in 1995 for use by employees while on active employment but to be eliminated upon termination of employment. This Sick Leave Bank shall accumulate without limit on the basis of two-thirds (2/3) of unused sick leave per year, unless otherwise noted above.

Payment For Unused Sick Leave

Once the Terminal Leave Bank cap is reached, employees shall be paid for one-third (1/3) of their unused sick leave per year with the balance of such unused sick leave credited to the Sick Leave Bank as set forth above. When the Sick Leave Bank reached seventy-five (75) days, the ratio of payment for unused sick leave changes to 50% per year in cash or to the Terminal Leave Bank whichever is applicable, and 50% to Sick Leave Bank.

Draw Down of Terminal Leave Bank

When the cap on Terminal Leave Bank is reached, vested employees may draw down days in the Terminal Leave Bank in the amount equivalent to the number of days allocated to the Sick Leave Bank on an annual basis. This draw down will be in addition to payment for unused sick leave as set forth above. Employees become vested after ten (10) years of service with the Township, and until such vesting occurs, no payment from the Terminal Leave Bank for any reason, including termination of employment or draw down, shall occur. Eligible employees who seek to draw down terminal leave days must request this option by December 15th of the preceding year and payment is subject to budget considerations. If requests for such payment exceed budget availability, payments shall be pro-rated among all employees requesting draw down on a percentage basis.

Adjustments in Terminal Leave Bank

* Reductions in Terminal Leave Bank due to sickness can be restored to the cap in effect as of January 1 of the year when days from the Terminal Leave Bank are first used. This restoration is at the option of the employee and the option must be exercised by notification to the Business Administrator by December 15th of the year in which days from the Terminal Leave Bank are used.
* Reduction in terminal leave due to draw down cannot be restored.
* To qualify for regular pay under this provision on account of illness, absences for five (5) or more consecutive days must be supported by a physician’s certificate as to the specific cause of absence. Failure to provide such a physician’s certificate shall result in the forfeiture of vacation and holiday benefits in the amount of time equal to the absence, or a loss of pay, if the employee’s vacation entitlement has been exercised and used during that year. All payment for sick leave entitlement shall be subject to the approval of the Business Administrator of the Township. To ensure that there is no abuse in the use of sick leave, the Township has the right to require doctor certification after five (5) days to justify the use of sick leave. If the Township exercises its right to require a doctor’s certification, it shall pay for the cost of the medical examination. This medical certification is in addition to the certification required for five (5) or more days of absence as set forth above.
* An employee may choose to add one-third (1/3) of his/her unused sick days from the immediately preceding year to his vacation time for the current year and two-thirds (2/3) of the unused sick days will go into the Sick Leave Bank.
1. **Catastrophic Leave Bank**

On a voluntary basis, each employee may donate a cumulative maximum total of five (5) vacation days, personal days, administrative/professional days and/or sick days to another employee who has completed at least one (1) year of service with the Township. The Catastrophic Leave Bank shall be for the use of an employee who is suffering from a health condition or injury, which is expected to require prolonged absence from work by the employee, or is needed to provide care to a member of the employee’s immediate family, who is suffering from a catastrophic health condition or injury, and said employee has exhausted all accrued sick leave, vacation leave and other accrued leave benefits. An employee’s eligibility shall be determined on a case-by-case basis at the discretion of the Business Administrator.

All donated leave shall be deposited into a Catastrophic Leave Bank for use by the subject employee and shall not be credited directly into said employee’s accumulated leave account. In the event the employee is able to return to work or there is a separation of employment prior to exhausting the donated leave benefits, said leave benefits shall remain in the Catastrophic Leave Bank, without expiration, for the future potential use by a qualifying employee(s).

**G. Bereavement Leave Policy**

Employees are entitled to three (3) consecutive calendar days leave of absence for each death of an employee’s immediate relative. Bereavement Leave shall not extend beyond five (5) consecutive calendar days (including weekends) immediately following the death of a family member. “Immediate relative” includes spouse or significant other, civil union partner, domestic partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, mother-in-law, father-in-law, sister-in-law, brother-in-law, uncle, aunt, or any person related by blood or marriage residing in an employee’s household. Employees are entitled to one (1) day off for all other family members. Union contracts may differ on family member definitions. The Township reserves the right to request proof of relationship if an employee attends funeral services. In special cases, at the discretion of the Business Administrator, additional leave, with or without pay, may be granted if requested by an employee.

**H. Jury Duty Policy**

When called for jury duty and for the duration of such service, the employee will be expected and required to report for work at such times when his presence as a juror is excused. The Township shall have the right to request certification from the Clerk of the Court setting forth the period of such jury duty service. Employees shall not be required to return payment for service as a juror and/or said amount shall not be deducted from their salary.

**I. Medical Leave to Care for Self or Family Member**

Employees may be eligible for a paid and/or unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family leave pursuant to the New Jersey Family Leave Act (“NJFLA”). In order to be eligible for such leave, employees must have: one (1) year of service with the Township of Denville; and at least 1,000 hours of work (for NJFLA leave) and 1,250 hours of work (for FMLA leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (NJFLA).

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

Family And Medical Leave Act (“FMLA”)

To be eligible for leave pursuant to the federal Family and Medical Leave Act (“FMLA”) an employee must have been employed by the Township of Denville for at least a year and worked a minimum of 1,250 hours during the immediately preceding 12 month period.

FMLA leave for an employee may be taken to provide care made necessary by reason of:

1. caring for one’s own serious medical condition;
2. the birth of a child of the employee

(ii) the placement of a child with the employee in connection with adoption of such child by the employee; or

1. the serious health condition of a family member of the employee (family members include parents, parent-in-laws, children, and spouse).

Upon advance notice to the Township, an employee’s FMLA paid and/or unpaid leave entitlement is limited to a total of twelve (12) weeks in a 12-month period, calculated by a “rolling” twelve (12) month period measured backward from the date an employee utilized FMLA leave. Leave taken because of the birth or placement for adoption of a child may commence at any time within one (1) year after the date of the birth or the placement for adoption.

In limited circumstances, an employee who is eligible for FMLA leave may be permitted to work a reduced schedule or receive periodic time off from work.

Upon written notice, eligible employees are entitled to FMLA leave for up to twelve (12) weeks to care for a newly born or adopted child, a seriously ill immediate family member or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available sick, vacation and personal days during the leave. The use of accrued time will not extend the FMLA leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the FMLA leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve (12) weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Township reserves the right to deny any request for extended leave.

Where the necessity for leave is foreseeable, requests for leave under this policy should be submitted to the Business Administrator in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave. If it is not possible to give thirty (30) days notice, then the employee must provide as much notice as possible. Where the necessity for leave is not foreseeable, an employee should notify the Business Administrator of the need to take leave as soon as possible

Employees shall be required to submit a medical certification from a physician documenting the serious health condition, which qualifies them for the leave. The Township shall provide the employee with a “Certification of Health Care Provider” to be used for this purpose. The completed certification must be submitted to the Business Administrator within fifteen (15) days of the request for leave or within thirty (30) days in the event the leave is to care for a new born child, except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under this policy and result in denial of re-employment upon completion of the leave.

If deemed necessary, the Township may require that the employee obtain the opinion of a second health care provider designated by the Township, which will be paid for by the Township. If there is a conflict between the original medical opinion and the second opinion, the Township may require a third opinion by a health care provider jointly selected by the Township and the employee and paid for by the Township. The third opinion will be considered final and binding. The Township may require an employee who takes leave for the employee’s own serious health condition or to care for an immediate family member suffering from a serious health condition to obtain subsequent recertification on a reasonable basis, but no more frequently than monthly. The Township also may require an employee returning from leave due to the employee’s own serious health condition to submit a medical certification of fitness-for-duty.

Employees shall be required to utilize their accrued paid sick/personal/vacation days, until exhausted, for all or part of the absence. After the exhaustion of accrued paid time, the remainder of leave will be unpaid. Seniority shall not continue to accrue during the leave period except for pension/retirement plan purposes.

Employees taking family or medical leave due to a non-work related disability may apply for state disability benefits. Employees requiring leave due to a work related illness or injury may be eligible to receive workers compensation benefits. FMLA leave, if applicable, shall run concurrently with any time off received for workers compensation.

Employee’s health coverage shall continue for an employee on leave pursuant to the FMLA. The employee shall continue to be responsible for payment of the employee-paid portion of the premium. A failure of the employee to pay the employee-paid portion will result in a lapse of coverage. An employee failing to return to work after FMLA leave may be required to reimburse the Township for the cost of health coverage premiums paid for the employee by the Township during the leave.

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

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

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; *or*

2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

3. a physical or mental condition that substantially impairs the veteran’s ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*

4. an injury that is the basis for the veteran’s enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

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

New Jersey Family Leave Act (“NJFLA”)

To be eligible for the New Jersey Family Leave Act (“NJFLA”) leave you must be an employee as defined by the NJFLA, which is a person who has been employed by the Township for at least 12 months and has worked at least 1,000 hours during the immediately preceding 12 month period.

NJFLA may be taken to provide care made necessary by reason of:

 (i) the birth of a child of the employee

(ii) the placement of a child with the employee in connection with adoption of such child by the employee; or

(iii) the serious health condition of a family member of the employee (family members include spouse, child, civil union partner, domestic partner, parents, and in-laws).

Leave taken for the same qualifying reason under the FMLA and NJFLA shall run concurrently. Upon advance notice to the Township, an employee’s NJFLA paid and/or unpaid leave entitlement is limited to a total of twelve (12) weeks in a 24 month period calculated by a “rolling” twenty-four (24) month period measured backward from the date an employee utilized NJFLA leave. Leave taken because of the birth or placement for adoption of a child may commence at any time within one year after the date of the birth or the placement for adoption.

In limited circumstances, an employee who is eligible for family medical leave may be permitted to work a reduced schedule or receive periodic time off from work.

Where the necessity for leave is foreseeable, requests for leave under this policy should be submitted to the Business Administrator in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave. If it is not possible to give thirty (30) days notice, then the employee must provide as much notice as possible. Where the necessity for leave is not foreseeable, an employee should notify the Business Administrator of the need to take leave as soon as possible

Employees shall be required to submit a medical certification from a physician documenting the serious health condition, which qualifies them for the leave. The Township will provide the employee with a “Certification of Health Care Provider” to be used for this purpose. The completed certification must be submitted to the Business Administrator within fifteen (15) days of the request for leave or within thirty (30) days in the event the leave is to care for a new born child, except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under the policy and result in denial of re-employment upon completion of the leave.

If deemed necessary, the Township may require that the opinion of a second health care provider designated by the Township, which will be paid for by the Township. If there is a conflict between the original medical opinion and the second opinion, the Township may require a third opinion by a health care provider jointly selected by the Township and the employee and paid for by the Township. The third opinion will be considered final and binding. The Township may require an employee who takes leave to care for an immediate family member suffering from a serious health condition to obtain subsequent recertification on a reasonable basis, but not more frequently than monthly.

Employees shall be required to utilize accrued sick/personal/vacation days, until exhausted, for all or part of the absence. After the exhaustion of accrued paid time, the remainder of leave will be unpaid. Seniority shall not continue to accrue during the leave period except for pension/retirement plan purposes.

Employees’ health coverage shall continue for an employee on NJFLA leave pursuant to the NJFLA. The employee shall continue to be responsible for payment of the employee-paid portion of the premium. A failure of the employee to pay the employee-paid portion will result in a lapse of coverage. An employee failing to return to work after NJFLA leave may be required to reimburse the Township for the cost of health coverage premiums paid for the employee by the Township during the NJFLA leave.

 Return to Position

An employee returning from leave pursuant to the FMLA and/or the NJFLA shall be either restored to his/her former position or placed in an equivalent position with comparable compensation and benefits unless:

1) the employee is unable to perform an essential function of the position because of physical or mental condition, including the continuation of a serious health condition; or

2) the employee would have been laid off or otherwise had his/her employment terminated had the employee continued to work during the leave period as, for example, because of a general layoff.

An employee failing to return from leave may be subject to termination of employment.

 Restriction on Additional Work

An employee on FMLA/NJFLA leave for the reasons set forth above may not engage in full-time employment unless such employment commenced prior to the commencement of the FMLA/NJFLA leave and is not otherwise prohibited by law. An employee on FMLA leave for his or her own serious health condition may not engage in any employment while on leave except with the express written permission of the Township.

**J. Military Leave Policy**

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

Employees on military service shall also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) shall continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits:

* for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting;
* for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty;
* for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

**K. Leave of Absence Policy:**

Employees may be granted a personal leave of absence for up to six (6) months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six (6) months, if such extension is considered in the best interests of the Township.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer or for extended vacation time. Employees on personal leave of absence for more than two (2) weeks in any month shall not receive holiday pay and shall not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Township Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return within five (5) business days after the expiration of the leave, the employee shall be considered to have resigned.

**L. Domestic Violence Leave Policy**

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

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

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

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

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

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

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

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

**Chapter Six**

**Compensation & Employee Benefits**

##### A. Exempt Status

Under certain conditions, an employee may qualify as an exempt employee. An exempt employee does not receive overtime pay. There are three classifications of exempt employees, as defined by the Fair Labor Standards Act (hereinafter “FLSA”):

 Executive – 29 CFR Sec 541.1, *et seq.*

 Administrative – 29 CFR Sec 541.2, *et seq.*

 Professional – 29 CFR Sec 541.3, *et seq.*

Department Heads who believe they have an employee who meets the requirements for exemption should inform the Business Administrator. Under NO circumstances shall an employee be declared exempt solely to deny the employee overtime compensation.

##### B. Overtime Compensation and Compensatory Time-Off Policy

Pursuant to the FLSA, exempt employees are not eligible to receive overtime compensation and an employer is not required to provide compensatory time-off. Exempt employees are required to maintain their normal office hours and perform any additional hours as necessary to ensure the fulfillment of their duties and obligations while ensuring the efficient operation of their Department or Division.

All other employees are classified as non-exempt employees, subject to the provisions of the FLSA. Unless specifically stated otherwise in a collective negotiations agreement, hours worked shall entitle an eligible non-exempt employee to overtime compensation or compensatory time-off on a straight time basis for those pre-approved hours worked between the employee’s normal work week and forty (40) hours. Except as provided by a collective negotiations agreement, all pre-approved hours worked in excess of forty (40) hours shall entitle a non-exempt employee be paid or receive compensatory time-off to be computed at one and one-half (1½) times an employee’s regular hourly rate. It shall be the policy of the Township to avoid the occurrence of overtime and/or accumulation of compensatory time-off whenever possible.

A request for a non-exempt employee to work beyond his/her normal workweek shall be pre-approved by the employee’s Department Head and the Business Administrator. An employee’s failure to receive such pre-approval shall result in the employee being ineligible to receive overtime compensation or compensatory time-off. Limited exceptions may be made in emergency situations at the sole discretion of the Township.

Employees requesting to use accumulated compensatory time-off shall make a request to their Supervisor and/or Department Head at least two (2) days in advance of the proposed absence. The Supervisor and/or Department Head shall approve the request if the proposed absence does not cause an undue hardship to the Department. All compensatory time earned between January 1st and November 30th must be utilized on or before December 31st of the year it was earned or it shall be forfeited. Compensatory time earned in December of a given year must be used on before April 30th of the subsequent year.

##### C. Recording Hours Worked

It is the responsibility of the Department Head to submit and/or electronically approve time records and payroll information to the Finance/Payroll Department in a timely manner. Time records and payroll information shall be submitted every two (2) weeks in accordance with the schedule established by Administration and Finance Departments.

**D. Health Insurance Policy**

All employees classified as full-time herein and working a minimum of thirty-five (35) hours per week or who are eligible for health benefits in accordance with state law may elect to participate in the Township’s group health insurance plan.

* MEDICAL **-** The Township participates in the New Jersey State Health Benefits Program. Employee contributions toward medical insurance shall be in strict conformance with New Jersey law (P.L. 2011 c. 78).
* PRESCRIPTION **-** The Township’s prescription plan is provided by Bollinger. Employee contributions toward prescription coverage insurance shall be in strict conformance with New Jersey law (P.L. 2011 c. 78).
* DENTAL **-** The Township dental plan is provided by Delta Dental of New Jersey. Employee contributions toward dental coverage insurance shall be in strict conformance with New Jersey law.
* VISION **-** The Township vision care plan is provided through Vision Service covering to all full-time employees, excluding sworn police officers. Employee contributions toward vision coverage insurance shall be in strict conformance with New Jersey law.

The Township reserves the right to change its medical, prescription, dental and vision plan to providers other than those listed herein at its sole discretion.

**E. Retirement Policy**

All paid employees of the Township shall participate in a State-administered retirement system. Sworn police officers shall be enrolled in the New Jersey Police and Fire Retirement System (PFRS), and all other paid employees shall be enrolled in either the Public Employee Retirement System (PERS) or the Defined Contribution Retirement Program (DCRP). Payroll deductions shall be made in accordance with the guidelines established for your respective retirement system.

In an effort to assist Township employees to prepare for their retirement, the Township offers a voluntary tax-deferred *Section 457* retirement savings plan via payroll deductions. For more information on this program, please contact the Finance/Payroll Department.

**F. Workers Compensation Policy**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Township covers workers compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the Supervisor/Department Head and the Township Safety Administrator. All required medical treatment must be performed by a workers’ compensation appointed physician by the joint insurance fund and payment for unauthorized medical treatment may not be covered pursuant to the Act. Furthermore, employees shall be prohibited from accepting payments for benefits above those provided for under the Workers Compensation Act.

**G. Conference and Seminar Policy**

1. Requests to attend a conference or seminar must be pre-approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.
2. An employee can attend a maximum of two (2) conferences annually that involve overnight accommodations per calendar year. With the exception of the NJSLOM conference in November (which would count as one of the two conferences), there is no minimum or maximum amount of nights established as all conferences are different and vary in length. The length of attendance for longer conferences is at the discretion of the employee’s supervisor/department head and in the case of department heads, the Township Administrator.
3. With the exception of the NJSLOM Conference, there is no minimum or maximum cost established with respect to hotel accommodations at a conference. This too falls back to a reasonableness standard at the discretion of the employee’s supervisor and/or Township Administrator.
4. Employees are permitted to attend more than two (2) conferences annually that involve overnight accommodations. However, the employee must pay for their accommodations and utilize personal or vacation leave for said attendance. Also, attendance at such a conference requires prior leave-time approval from the department or business administrator. The Township may consider paying registration fees for an employee attending at third conference at its sole discretion.
5. In regard to the NJ State League of Municipalities Conference in November, slightly tighter restrictions apply to all employees, elected officials and appointed board members.
	1. Individuals are permitted a maximum of two (2) night hotel accommodations at the NJSLOM Conference.
	2. The Township shall be assigned a specific hotel at a specific rate for which 2 nights will be paid. If an individual elects to stay at a different hotel that has a higher cost, the employee, elected or appointed official is required to reimburse the Township for the difference in cost.
	3. Employees, elected and appointed officials staying a third night are permitted to do so at their own cost.
	4. Employees, elected and appointed officials staying a third night are not required to utilize vacation or personal leave for the additional attendance time.
6. An employee may be permitted to attend a third overnight conference at the Township’s expense and without utilization of leave benefits at the sole discretion of the Township Administrator.

**H. Reimbursement for Expenses**

Any employee who is authorized by his/her Department Head and/or the Business Administrator to expend cash for supplies and/or to attend a meeting shall be reimbursed for legitimate expenses provided he/she presents a detailed voucher and supporting receipts. The maximum allowable per diem for food shall be $25 per day. Employees shall not be eligible for reimbursement of gratuities or alcoholic beverages.

**I. Tuition Reimbursement Program**

This program was developed for those employees who are seeking both undergraduate and graduate degrees from fully accredited institutions. One-time courses shall be financed through departmental seminar/training funds, where applicable.

Employees who are receiving grant money, scholarship funding or any other type of financial assistance shall qualify for reimbursement through this program only for the part of their tuition that has not been paid by such funding.

The requirements for participation in the tuition reimbursement program are as follows:

1. The employee must be a continuous full-time employee of the Township of Denville for a minimum of one (1) year.
2. Participation shall be restricted to off-duty hours and shall not interfere with the normal performance of the employee’s duties. There shall be no home study assignments permitted during working hours.
3. Courses and degree fields shall be strictly limited to those that lead to improvement in job performance as determined by the Department Head and Business Administrator. Approval for participation in the tuition reimbursement program shall be attained before the employee begins the course/degree program.
4. On an annual basis, the Township shall conduct a survey of the in-state tuition rate at Rutgers, the State University of New Jersey. Reimbursement to an employee shall be paid at a rate not to exceed the in-state tuition rate at Rutgers University and based upon the schedule detailed in #5 herein.
5. Payment by the Township shall be for TUITION ONLY. Reimbursement shall be based upon the following scale:
* 100% reimbursement for letter grade “A”
* 75% reimbursement for letter grade “B”
* 50% reimbursement for letter grade “C”

No tuition reimbursement shall be granted for any other grade or course status.

It shall be the responsibility of the participating employee to provide the Township with receipts of tuition expenses incurred when applying for tuition reimbursement.

1. Participation in the tuition reimbursement program shall extend the individual’s employment obligation with the Township one (1) year following the completion of the last course. Reimbursement of all tuition expenses paid by the Township shall be required in the event the participant’s employment is terminated, voluntarily or involuntarily, within said one (1) year period.

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