

RESOLUTION NO. 2021-95

**RESOLUTION AUTHORIZING THE BOROUGH OF BELMAR TO AMEND
THE POLICE SERVICES SHARED SERVICE AGREEMENT WITH THE
BOROUGH OF LAKE COMO TO INCLUDE EMS SERVICES**

WHEREAS, Borough of Belmar and Borough of Lake Como desire to share facilities, equipment and office staff, in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. and N.J.S.A. 2B:12-1(c), in order to conserve resources and to provide for a more efficient and more economically sound EMS services; and

WHEREAS, the Borough Councils of both Belmar and Lake Como find that it would be in the best interest of the parties for Lake Como to utilize the Belmar's Emergency Medical services, under the terms and conditions as set forth in the agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Belmar, County of Monmouth that the Mayor and Borough Administrator are hereby authorized to execute and deliver the attached Addendum to the Shared Service Agreement and all other documents and undertake all actions reasonably necessary to effectuate this Resolution and the Shared Service Agreement.

offered the above resolution and moved its adoption. Seconded by and adopted by the following vote on roll call:

| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
|------------------|------|------|---------|--------|
| Mayor Walsifer | | | | |
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |

Adopted:

ADDENDUM TO CONTRACT
FOR POLICE SERVICES

This Addendum to the POLICE SERVICES AGREEMENT is made as of the 31st day of March, 2021, by and between THE BOROUGH OF BELMAR ("Belmar"), a body politic and corporate in the County of Monmouth, in the State of New Jersey and THE BOROUGH OF LAKE COMO ("Lake Como") a body politic and corporate in the County of Monmouth, in the State of New Jersey.

WITNESSETH:

WHEREAS, Lake Como and Belmar entered into a Police Services Contract effective May 11, 2016 (the "Police Services Contract"); and

WHEREAS, Belmar is providing certain police services to Lake Como pursuant to the Police Services Contract; and

WHEREAS, the Police Services Contract does not include providing Emergency Medical Services ("EMS") or First Aid services; and

WHEREAS, Belmar's First Aid Squad has been providing EMS and First Aid services to Lake Como; and

WHEREAS, Belmar's First Aid Squad will be ceasing services to Belmar and Lake Como; and

WHEREAS, after the Belmar First Aid Squad ceases operations, the Belmar Police Department will assume the duties and responsibilities of the Belmar First Aid Squad for Belmar; and

WHEREAS, Belmar's Police Department is qualified to provide EMS and First Aid services; and

WHEREAS, Lake Como desires to have the Belmar Police Department provide Lake Como with EMS and First Aid services after the Belmar First Aid Squad ceases operations; and

WHEREAS, Belmar and Lake Como desire to amend the Police Services Contract to include EMS and First Aid services, pursuant to the terms set forth herein; and

WHEREAS, the parties believe that amending the Police Services Contract to include EMS and First Aid services is beneficial to the residents of both Belmar and Lake Como; and

WHEREAS, Belmar has approved this Addendum pursuant to Resolution _____ and Lake Como has approved this Addendum pursuant to Resolution 2021-77.

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Services.

The law enforcement services enumerated in Schedule A to the Police Services Contract are hereby amended to include EMS and First Aid services for Lake Como. Belmar shall provide Lake Como with the same level of EMS and First Aid services it provides to Belmar residents.

2. Additional Payment.

For providing EMS and First Aid Services to Lake Como, Lake Como shall pay Belmar an amount equal to 25% of its non-beach first aid operating budget. The additional payment shall be paid annually no later than November 30th of each year, or within 30 days of receipt of an invoice from Belmar, whichever is later. The fee for 2021 shall be prorated. Lake Como shall be entitled to review the books and records of Belmar to confirm the costs of first aid services, upon

reasonable request.

3. Right to Cancel EMS and First Aid Services.

Each party shall have the right to cancel the services provided by this Addendum, for any reason or no reason, by providing the non-cancelling party at least six (6) months written notice of termination. Such termination shall be strictly limited to EMS and First Aid services only.

4. Original Terms And Conditions Unchanged

All other terms and conditions of the Police Services Contract, that are not specifically modified or replaced by the terms and conditions set forth herein, shall remain in full force and effect and are hereby incorporated by reference into this Addendum as if fully set forth herein.

5. Entire Agreement.

This Addendum and the Police Services Contract together represent the entire agreement between the parties and cannot be changed or modified orally. This Addendum and the Police Services Contract together may be supplemented, amended or revised only by a writing which is signed by all of the parties hereto.

6. Severability.

If any part of this Addendum shall be held to be unenforceable, the rest of this Addendum shall nevertheless remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum the date first above written.

ATTEST:

BOROUGH OF LAKE COMO

Louise A. Mekosh, Borough Clerk

By: _____
Kevin Higgins, Mayor

ATTEST:

BOROUGH OF BELMAR

April Claudio, Borough Clerk

By: _____
Mark Walsifer, Mayor

RESOLUTION NO. 2021-96

RESOLUTION ADOPTING AMENDMENTS TO THE BOROUGH EMPLOYEE HANDBOOK AND POLICES AND PROCEDURES FOR THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, it is the policy of Borough of Belmar to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council that the Employee Handbook, Personnel Policies and Procedures Manual be amended as per the attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Belmar.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Belmar that the attached amendments be adopted and incorporated into the Borough Employee Handbook and Policies and Procedures manual.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

| Council members: | AYES | NAYS | ABSTAIN | ABSENT |
|------------------|------|------|---------|--------|
| Mr. Carvelli | | | | |
| Mr. McCracken | | | | |
| Ms. Wann | | | | |
| Mr. Brennan | | | | |
| Mayor Walsifer | | | | |

Adopted:

BOROUGH OF BELMAR

**In Conjunction with the
Municipal Excess Liability
Joint Insurance Fund**

EMPLOYEE HANDBOOK

**ADOPTED BY RESOLUTION
DATE: April 6, 2021**

INTRODUCTION:

The Borough of Belmar plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Borough of Belmar employee, you have certain rights and obligations. Federal and State law as well as Borough of Belmar policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Borough of Belmar has a “no tolerance” policy towards workplace wrongdoing.

This Employee Handbook adopted by the Mayor and Council in conjunction with the Borough Administrator discusses these issues and many other Borough of Belmar personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Borough of Belmar personnel policy, contact your supervisor, or if you prefer, your Department Head or the Borough Administrator.

Neither this handbook nor any other Borough of Belmar document, confers any contractual right, either express or implied, to remain in the Borough of Belmar’s employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor & Council.

All employees receiving this handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

Signed _____
Edward D. Kirschenbaum, Sr.,
Borough Administrator

Date: 1/15/19

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GENERAL PERSONNEL POLICY

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

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

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

As a general principle, the Borough of Belmar has a "no tolerance" policy towards workplace wrongdoing. The Borough of Belmar officials, employees and independent contractors are to report anything perceived to be improper. The Borough of Belmar believes strongly in an Open Door Policy and encourages employees to talk with their Supervisor, Department Head, Borough Administrator, or the Employment Attorney/Labor Council concerning any problem. **Such discussions are to be considered as personnel matters and the unauthorized disclosure thereof shall be prohibited. Employees shall treat all other employees and supervisors with courtesy and respect.**

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

IMPORTANT NOTICE

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

SECTION ONE
POLICIES RELATING TO EMPLOYEE RIGHTS AND OBLIGATIONS

EMPLOYMENT PROCEDURE

- **Recruitment**

The Borough Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, (Civil Service) and Equal Employment Opportunity Commission (“EEOC”) requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law (including New Jersey Department of Civil Service regulations if the position is subject to Civil Service.) Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Belmar is an equal opportunity employer.

- **Applications**

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

- **Interviews**

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

- **Physical Examinations**

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

- **Job Offers:**
The final decision will be made by the Mayor-Council for the Borough of Belmar, upon the recommendation of the Borough Administrator and after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough of Belmar. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections**
If the first offer is rejected, the Mayor-Council for the Borough of Belmar will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof**
After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention**
All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks/Procedures For Candidates, Employees And Volunteers

- **Background checks required:**
Criminal background checks are required of all candidates over the age of 18, whether for paid or volunteer positions, who will be working directly or indirectly with children/youth/minors.

Criminal background checks will also be performed every three years for each employee or volunteer that works directly or indirectly with children/youth/minors. The exact titles of employees subject to background checks are (will be identified, but at a minimum will include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs).
- **Background check procedure**
The Borough Administrator or designee will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency

records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI.

The Borough Administrator will discuss potentially disqualifying information received with the employee's or volunteer's department head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity.

Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police.

Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

When a disqualification decision has been made as a result of the employer's "targeted screening process" described below, the Borough Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth.

If the Borough of Belmar contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him/her under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the employer shall give the individual further consideration. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Borough Administrator.

● **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth**

A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the employer's targeted screening process, by which the employer has taken into account the following factors:

- (a) The nature and gravity of the offense or conduct, including the consideration of
 - (i) the harm caused by the crime;**
 - (ii) the legal elements required to prove the crime; and**
 - (iii) the classification of the crime (i.e., felony or misdemeanor, etc.);****
- (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence;**
- (c) The nature of the job held or sought, including the consideration of:
 - (i) the job duties (not merely the job title);**
 - (ii) the level of supervision to be provided;**
 - (iii) the working environment (e.g., private home, outdoors, warehouse);**
 - (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and**
 - (v) the relationship of the criminal history to the job to be performed.****

An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

▪ **EQUAL EMPLOYMENT OPPORTUNITY**

The Borough is committed to the principles of Equal Employment Opportunity. Accordingly, the Borough will provide equal employment opportunity in all of its employment programs and decisions. Discrimination in employment on the basis of any classification protected under federal, state or local law is a violation of this Policy and is illegal. Equal employment opportunity is provided to all employees and applicants for employment without regard to race, creed, color, nationality, sex, national origin, religion, ancestry, age, marital status, physical or mental disability, affinity or sexual orientation, domestic partnership status, genetic information, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, covered-veteran status, gender identity and expression and civil union status or any other status protected by applicable federal, state or local laws. This Policy applies to all areas of employment, including, but not limited to, recruitment and hiring, placement, promotion, termination, reductions in force, recall, transfer, leaves of absence, compensation and training and all other conditions, terms and privileges of employment in accordance with applicable federal, state and local laws. Any employee who requires a reasonable accommodation to apply for employment or to perform the essential functions of his or her job should contact the Borough Administrator or his/her designee. The Borough will make reasonable attempts to accommodate qualified employees with known disabilities unless doing so would create an undue hardship to the Borough. Overall responsibility for the direction of this Policy rests with the Borough Administrator. Any questions regarding this policy or its implementation should be directed to the Borough Administrator.

ANTI-DISCRIMINATION POLICY

The Borough of Belmar is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough of Belmar discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Administrator, or the Employment Attorney/Labor Council.

AMERICANS WITH DISABILITIES ACT POLICY

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the (local unit type) does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough of Belmar will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

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

The Borough Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

The Borough Administrator shall make all decisions with regard to reasonable accommodation. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Belmar

to offer permanent “light/transitional duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

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

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

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

CONTAGIOUS OR LIFE THREATENING ILLNESSES POLICY

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

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

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the

subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.

- Information may be disclosed to the Department of Health as required by State or Federal law.

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

SAFETY POLICY

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

The Borough of Belmar has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

TRANSITIONAL DUTY POLICY - WORKERS COMPENSATION ISSUES

The Borough of Belmar will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed **and shall be based upon the availability and necessity of certain tasks and/or functions. Transitional duty will not exceed fifteen (15) workdays unless, it is determined by the Borough Administrator to be in the best interest of the Borough so as to address a specific, articulated need of the Borough of Belmar. If such determination is made, the Borough Administrator may extend the transitional duty assignment.**

An employee requesting transitional duty and/or the Workers Compensation Physician shall notify the Borough Administrator as soon as the temporarily disabled employee is able to return to work with restrictions. The Borough Administrator will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Borough Administrator will decide if it is in the best interest of the Borough of Belmar to approve a transitional duty request and will notify the employee of the decision. The Borough of Belmar reserves the right to terminate the transitional duty assignment at any time without cause.

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

Department Head of his unit, who will then render a written response within 24 hours. It should be understood, Belmar does not have a light duty positions, and we only have transitional duty assignments.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Borough Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Borough Administrator informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, the Borough of Belmar reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

DRUG/ALCOHOL ABUSE POLICY STATEMENT

I. INTRODUCTION

The Borough of Belmar is concerned about the effects of alcohol and drug abuse on the health and safety of our employees. The purpose of this policy is to ensure that all Borough employees adequately and safely perform their job duties free of any alcohol, drugs and/or any other controlled dangerous substance. A copy of this policy will be distributed to each employee, receipt of which will be acknowledged in writing.

The use, possession, distribution, trade or sale of alcohol beverages or drugs while working for the Borough of Belmar, or while on the Borough's municipal premises, or being under the influence of alcohol or drugs during working hours or while on the Borough's municipal premises is strictly prohibited. The prohibition against reporting to work under the influence of alcohol or drugs includes reporting back to work after breaks or lunch. Any Borough employee engaging in such activity will be subject to serious disciplinary action, up to and including discharge.

Employees who believe that they may have a problem and/or addiction may avail themselves of the benefits of the Borough's Employee Assistance Policy. However, employees may ONLY avail themselves of the provisions of this Policy prior being identified as to having violated this Policy.

II. DEFINITIONS

1. The term "employee" means any individual who receives compensation from the Borough of Belmar.
2. The term "alcohol" or "alcoholic beverage" means any liquid that has an alcoholic content in excess of 5% by volume. The alcohol concentration cutoff level is defined according to the current Department of Transportation standards.
3. The term "drug" means any substance (other than alcohol) that produces physical, mental, emotional, or behavior change in the user, the sale, possession or consumption of which is illegal. This term includes prescription drugs (substances, which may only be

lawfully obtained by prescription, issued by a licensed medical practitioner) where such prescription drugs have not been prescribed for the person possessing or using such drugs.

4. The term “reasonable suspicion” means suspicion based upon objective facts derived from observation of an employee’s appearance, behavior, speech, breath odor, etc. and all reasonable inferences drawn there from in light of the observer’s knowledge of the signs of drug abuse or intoxication.

III. DRUG AND ALCOHOL SCREENING

1. APPLICANTS - All job applicants must successfully undergo drug-screening tests prior to employment with the Borough.
 - a. Job offer letters will advise all applicants that drug screening tests will be performed as part of the Borough’s medical evaluation and that any job offer is made contingent upon, among other things, successfully passing such screening tests (Appendix B).
 - b. All job applicants will be required to complete a form (Appendix C) by which the applicant consents to and authorizes reasonable appropriate testing, disclosure of test results and such other related information as may be reasonably necessary to carry out the purpose of this policy. The Borough will not hire any applicant who refuses to sign a consent/authorization form.
 - c. Confirmed test results indicating the presence of a drug, other than a drug duly prescribed by a licensed physician, at or above the cutoff level for impairment according to the current Department of Transportation standards will constitute cause for rejection of any applicant. The Borough will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment test may initiate another inquiry with the Borough after a period of no less than six months, and must present themselves drug-free.
2. EMPLOYEES
 - a. In keeping with the U.S. Department of Transportation requirements, the Borough has, by resolution, adopted testing practices for employees holding Commercial Driver’s License (“CDL”) to identify persons who use illegal drugs either on or off the job. It shall be a condition of employment for all employees not subject to testing under the U.S. Department of Transportation requirements (i.e., employees whose position does not require them to possess a Commercial Driver’s License) to submit to alcohol and/or drug testing under the following circumstances:
 - Where there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs.
 - When an employee is involved in an on-the-job incident where personal injury or damage to Borough property occurs.

- As part of a follow-up program for treatment for drug and/or alcohol abuse.

3. DISCIPLINARY ACTIONS

Confirmed test results revealing the presence of a drug, other than a drug duly prescribed by a licensed physician, or any detection of alcohol at or above the cutoff level for impairment according to the current Department of Transportation standards, will constitute cause for immediate disciplinary action, including termination.

Employees who violate the Borough's policy against possession of alcoholic beverages or drugs while working for the Borough or while on the Borough's municipal premises will be subject to appropriate disciplinary action, up to and including discharge.

Employees who violate the Borough's policy against distribution or sale of alcoholic beverages or drugs (including possession of alcoholic beverages or drugs under such circumstances that an inference of intent to distribute or sell can reasonably be drawn) will be discharged.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Borough of Belmar.

The Borough recognized the health implications of alcohol abuse and drug abuse use on its employees and considers it a treatable illness. As with other illnesses, the Borough's primary objective is to assist in the employee's rehabilitation. The Borough designed this policy to encourage employees to voluntarily seek help for alcohol or substance abuse problems.

An employee may voluntarily admit to the Borough that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the individual will immediately enroll himself or herself in a rehabilitation program. The Borough will not take disciplinary action against an employee, who voluntarily admits having an alcohol or substance abuse problem, unless that employee refuses to enroll in and satisfactorily complete rehabilitation program. Upon return to work after satisfactorily completing a rehabilitation program, the employee will agree to submit to follow-up testing. Employees who test positive in a subsequent drug and/or alcohol test or who voluntarily enter rehabilitation on more than one occasion, however, shall be subject to disciplinary action, up to and including immediate termination.

4. REHABILITATION AND FOLLOW UP TESTING

An employee who tests positive for drugs and/or alcohol may in the sole discretion of the Mayor and Council, be given one opportunity to accept a referral to an approved rehabilitation program. The employee will be permitted to return to work only following satisfactory completion of the rehabilitation program, compliance with any recommendations from the program, consent to periodic testing thereafter and passing of such tests. The Borough of Belmar is not responsible for the cost of the rehabilitation program. Any employee who tests positive a second time will be terminated.

5. MEDICATION FOR PRESCRIBED DRUGS

If an employee takes an over-the-counter medication or prescribed drugs, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or citizen, the employee must inform his/her immediate supervisor. Every effort will be made to adjust the worker's duty until full, effective and safe work activities can be resumed. If alternative duties are not available, the Borough may request the employee take sick leave. Failure or refusal by an employee to properly inform his/her supervisor may result in the discipline, up to and including discharge.

IV. RESPONSIBILITY

The Borough Administrator shall be responsible for the selection of a qualified laboratory to perform the appropriate drug and/or alcohol screening tests. The Borough Administrator shall also be responsible for selecting physicians and/or a laboratory to conduct physical examinations, or drug and/or alcohol screening test where appropriate. The Borough Administrator shall be responsible for the overall implementation of the Borough's Alcohol and Drug Abuse Policy.

V. GENERAL METHODS AND PROCEDURES FOR DRUG SCREENING

1. Urinalysis will be the primary method for the drug screening of applicants and full time employees.
2. Established quality control and chain of custody procedures must be maintained throughout the entire testing process, from sample acquisition to delivery at the laboratory.
3. All urine samples obtained from applicants and full time employees will be delivered to a certified laboratory for analysis.
4. No adverse action will be taken against an applicant or fulltime employee until the laboratory preliminary analysis and subsequent confirmation have been reported to the Borough.

5. LABORATORY METHOD

The certified laboratory will be the sole facility for both the initial screening and confirmation analysis of urine. Fluorescence polarization immunoassay (ADx) and enzyme-multiplied immunoassay (EMIT) are currently used as initial drug screening procedures. Gas chromatography/mass spectrometry is used to confirm all positive results of initial drug screening procedures. As new procedures are developed and prove to be more reliable and efficient, alternate methods of screening and/or confirmation testing may be adopted.

6. PRELIMINARY ACQUISITION PROCEDURES

Prior to the submission of a urine sample, the applicant/employee may complete a medical questionnaire, which clearly describes all medications, either prescribed by a physician or available over the counter (non-prescription), which he/she ingested during the prior 30 days.

7. SPECIMEN ACQUISITION PROCEDURE

- a. The Borough's physician or other designee (Qualified Person to take a specimen and/or monitor) to be identified at the discretion of the Borough Administrator will be responsible for ensuring that all related forms, such as waivers, laboratory forms, and medical questionnaires, have been thoroughly and accurately completed by the applicant/employee. Prior to the submission of the sample, both the official monitor and the applicant will inspect the specimen bottle packet for indication of pre-void tampering.
- b. Generally, the applicant/employee will submit the urine sample in the presence of the official monitor. On those rare occasions when the applicant is not able to provide a sample in the presence of the official monitor, the Borough may choose to permit the applicant to provide a sample without the witness, so long as the applicant/employee removes their clothing in the presence of the official monitor prior to entering the room where they have no access to water or any other additives.
- c. The official monitor shall always be of the same sex as the applicant/employee being tested. If there is no member of the same sex available from within the Department to serve as the official monitor, the Borough may request that a member of the Belmar Police Department serve as the official monitor.
- d. Urine samples will be processed in accordance with accepted chain of custody procedures. Throughout the urine acquisition process, the sample will be identified by use of the applicant /employee's social security number. No form forwarded to the laboratory will contain the applicant /employee's name.
- e. The applicant/employee will complete the information requested on any related Borough of laboratory forms and will put his/her social number, initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the applicant/employee will unseal the specimen bottle packet; affix the label to the bottle, and void approximately fifty (50) ml. of urine into the specimen bottle. The applicant/employee will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom, and again up the first side, overlapping the tape to make a complete circle around the bottle. The applicant/employee will then put his/her social security number, initials, and date on the evidence tape and surrender the specimen to the official monitor.
- f. After ascertaining that all forms have been completed accurately and after serving as witness to the void, the official monitor shall take possession of the sample. The sample shall be placed in a controlled access refrigerated storage area until it is delivered to the certified laboratory. This delivery shall occur within one laboratory working day or acquisition.

8. DRUG SCREENING RESULTS

The certified laboratory will forward to the Borough's Administrator a written report of the results of the drug test, whether positive or negative, as soon after completion of analysis as possible. The laboratory will report as positive only those samples, which have been confirmed to be positive for the presence of illegal drugs. The Borough will orally notify all applicants/employees who are found positive for illegal drugs of the positive confirmation test result as soon after notification from the laboratory as possible. The Borough will provide a copy of the laboratory report to the applicant/employee if he/she requests it.

VI. GENERAL METHODS AND PROCEDURES FOR ALCOHOL TESTING

- a. The Breathalyzer will be the initial method for the screening of employees for alcohol content, to be administered by a qualified police officer of the Borough of Belmar.
- b. Blood and/or Urine alcohol testing will be the primary method for verifying alcohol content.
- c. Established quality control and chain of custody procedures must be maintained throughout the entire blood/urine testing process, from sample acquisition to delivery at the laboratory.
- d. All blood/urine samples obtained from employees will be delivered to the Borough designated physician/laboratory for analysis.
- e. No adverse action will be taken against an employee until the Borough designated physician/laboratory preliminary analysis and subsequent confirmation has been reported to the Borough.
- f. The following methods and procedures apply when an employee submits to alcohol testing through blood/urine samples for the purpose of determining alcohol content in the blood. Employees will be required to submit a blood sample after having been given a Breathalyzer test based upon a supervisor's reasonable individualized suspicion that the employee has consumed alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption, and has received a positive result from the Breathalyzer.
- g. Alcohol testing through blood/urine testing will be conducted when an employee has received a positive test result from a Breathalyzer. Any employee who has a reasonable suspicion to believe that a fellow employee has consumed alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption, must immediately report that fact to their immediate supervisor or the Borough Administrator. Any employee who produces a confirmed positive test result for alcohol consumption for the first time will be subject to disciplinary action/or may be granted, upon request, at the sole discretion of the Borough, an unpaid medical leave of absence to obtain medical treatment for alcohol abuse. The length of the unpaid medical leave of absence is at the sole discretion of the Borough. Employees who produce a second or subsequent test result indicating alcohol consumption will be subject to disciplinary action, up to and including termination.
 1. Any employee who refuses to provide a blood/urine sample upon a lawful request made upon individualized reasonable suspicion will also be dismissed.
 2. The Borough designated physician/laboratory will be the sole facility for the blood/urine alcohol testing.

3. Before an employee is ordered to submit to a blood/urine alcohol test, the Borough shall prepare a confidential report, which documents the basis for reasonable suspicion. The individual whose approval is necessary to order the blood/urine alcohol test shall base his/her decision on the contents of this confidential report.
4. Prior to the submission of a blood/urine sample, the employee may complete a medical questionnaire which clearly describes all medicines, both prescribed by a physician or available over the counter (non-prescription), which he/she ingested during the prior 30 days.

h. SPECIMEN ACQUISITION PROCEDURE

1. At the time that the blood/urine sample is provided, the employee will have the option to submit two samples. Both samples will be acquired according to the procedures outlined herein. One will be forwarded to the Borough designated physician/laboratory for testing; the remaining sample will be stored in the frozen state within the Borough according to Police Department procedures regarding chain of custody and evidence storage. This sample will be made accessible to the employee or his/her attorney.
2. The Borough shall be responsible for acquiring blood/urine samples from employees and shall designate an individual to serve as the official monitor. The employee also may choose to name another witness to the sample acquisition.
3. The official monitor shall be responsible for insuring that all related forms have thoroughly and accurately completed by the employee.
4. Generally, the employee will submit the blood/urine sample in the presence of the official monitor.
5. Blood/urine samples will be processed in accordance with accepted chain of custody procedures, and every effort will be made to ensure that the identity of the employee being tested remains confidential. Throughout the blood/urine acquisition process, the sample will be identified by use of the employee's social security number.
6. The employee will complete the information requested on any related Borough or laboratory forms and will put his/her social security number, initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the employee will unseal the specimen bottle packet, and affix the label to the bottle. The employee will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom and again up the first side, overlapping the tape to make a complete circle around the bottle. The employee will then put his/her social security number, initials and date on the evidence tape and surrender the specimen to the official monitor.
7. After ascertaining that all forms have been completed accurately, the official monitor shall take possession of the sample. The sample shall be placed in a controlled accessed refrigerated storage area until it is delivered to the Borough designated physician/laboratory. This delivery shall occur within one laboratory working day of acquisition.

i. ALCOHOL TESTING RESULT

The Borough designated physician/laboratory will notify the Borough's Administrator or designee of the result of the analysis immediately upon completion. The laboratory will report as positive only those samples, which have been confirmed to be positive for the presence of alcohol. The laboratories will follow-up all immediate notifications with written reports. The Borough will notify the employee of the result of the analysis as soon as possible after notification by the laboratory. The Borough will provide a copy of the laboratory report to the employee if he/she requests it.

WORKPLACE VIOLENCE POLICY

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

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on the Borough of Belmar's property or while on Borough of Belmar business except with the authority of the Police Chief; and the Mayor;
- Committing acts motivated by, or related to, sexual harassment or domestic violence. Any potentially dangerous situations must be immediately reported. The Borough of Belmar will actively intervene in any potentially hostile or violent situation.

GENERAL ANTI-HARASSMENT POLICY

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived race, creed, color, nationality, gender, national origin, religion, ancestry, age, marital status, physical or mental disability, affinity or sexual orientation, domestic partnership status, genetic information, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, covered-veteran status, gender identity and expression and civil union status or any other protected characteristic, shall be permitted to work in an environment free from all forms of unlawful discrimination and harassment and/or any other characteristic protected by law. While it is not always easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

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

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

harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

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

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

ANTI-HARASSMENT POLICY

The issue of people working together is vital to the public sector workplace. The Borough is committed to providing and maintaining a work environment that respects the dignity and worth of each individual. Inappropriate workplace behavior and unlawful harassment are prohibited. All employees, regardless of race, creed, color, nationality, gender, national origin, religion, ancestry, age, marital status, physical or mental disability, affinity or sexual orientation, domestic partnership status, genetic information, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, covered-veteran status, gender identity and expression and civil union status or any other protected characteristic, shall be permitted to work in an environment free from all forms of unlawful discrimination and harassment. The goals of this Policy are to: inform Borough employees as to what conduct constitutes improper harassment; ensure that all employees understand the Borough's zero-tolerance policy against any form of discrimination or harassment; create a procedure to promptly, thoroughly, confidentially and respectfully handle complaints; and ensure that retaliation against a complainant or participants in any investigation does not occur.

It is the primary responsibility of department heads and supervisory personnel to ensure that a working environment free from harassment is provided to all employees. In order to ensure all Borough employees are aware of their rights and responsibilities, this policy is to be distributed to all Borough employees and each employee is required to execute and return to his or her supervisor the attached acknowledgment that he or she has read and is familiar with the terms of this Policy.

SEXUAL HARASSMENT DEFINED

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

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

Sexual harassment may occur between people of the opposite or the same gender. It may take many different forms and may be verbal, non-verbal or physical. Some examples of what may constitute sexual harassment includes:

- **Gender Harassment**: Generalized gender-based remarks and behavior (i.e., women to men, men to women, women to women, men to men, etc.). Gender harassment may be verbal, visual or physical. It includes, but is not limited to, the use of stereotypes; innuendoes; offensive, insulting, derogatory or degrading remarks; suggestive slurs of a sexual nature about an individual's body, appearance or dress; threats; horseplay; leering and ogling; whistling; suggestive or insulting sounds; sexual gestures with hands or through body movements; gender-based pranks, jokes or tricks; displaying sexually suggestive pictures, objects, posters, cartoons or magazines in the workplace; and unwelcome persistent requests for dates or sexual favors.
- **Seductive Behavior**: Inappropriate, unwanted and offensive physical or verbal sexual advances. This includes, but is not limited to, unwelcome and repeated flirtations, propositions or advances; unwelcome physical contact such as hugging, massaging, pushing, brushing or rubbing against another individual's body; improper gestures; and unwelcome comments about appearance.
- **Sexual Bribery**: Solicitation of sexual activity or other sex-linked behavior in exchange for favorable or preferential treatment or for the promise of a reward.
- **Sexual Coercion**: Coercion of sexual activity by threat of punishment.
- **Sexual Assault**: Gross sexual imposition of a physical nature, such as touching, pinching, fondling, grabbing, assault, rape or impeding or blocking movement.

OTHER HARASSMENT DEFINED

For the purposes of this Policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his/her race, creed, color, nationality, gender, national origin, religion, ancestry, age, marital status, physical or mental disability, affinity or sexual orientation, domestic partnership status, genetic information, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, covered-veteran status, gender identity and expression and civil union status or any other characteristic protected by law, that:

- Creates an intimidating, hostile or offensive work environment; or
- Unreasonably interferes with an individual's work performance.

Some examples of such harassment are: using epithets or slurs; mocking; ridiculing, mimicking another's culture, accent, appearance or customs; jokes or pranks; the displaying on walls, bulletin boards, computer screens or elsewhere on Borough premises, or circulating in the workplace, of written or graphic material that denigrates or shows hostility or aversion towards a person or group of persons because of that person's race, creed, color, nationality, gender, national origin, religion, ancestry, age, marital status, physical or mental disability, affinity or sexual orientation, domestic partnership status, genetic information, atypical hereditary cellular or blood trait, liability for service in the Armed Forces of the United States, covered-veteran status, gender identity and

expression and civil union status or any other prohibited factor; and/or threatening, intimidating or engaging in hostile or offensive acts that focus on an individuals' protected category.

CONSENSUAL RELATIONSHIPS

Consensual romantic and/or sexual relationships between employees, particularly between an employee with supervisory authority and any subordinate (including a subordinate not directly under the supervision of the supervisor), will compromise the Borough's ability to enforce its policy against harassment. Consequently, if such relationships arise, the Borough will consider them carefully, and appropriate action will be taken. Such action may include a change in the responsibilities of the individuals involved in such relationships or transfer of location within the Borough system to diminish or eliminate the supervisory relationship and any workplace contact. To the extent that such remedial actions are impractical, one of the employees involved in the relationship may be asked to leave his or her employment with the Borough. Any employee in such a relationship is required to promptly report the relationship to his or her supervisor, Department Head and the Borough Administrator.

REPORTING DISCRIMINATION OR HARASSMENT COMPLAINTS

Who May File

All employees are encouraged to report discrimination and/or harassment if they believe they are being harassed or if they observe the harassment of another. Employees are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint. All employees have the right, and supervisors have a duty, to formally or informally report any and all statements, acts or behavior by a co-employee or supervisory personnel which are deemed or perceived by the affected employee to be an improper employment practice or to be a violation of this Policy. Receipt of information, whether formal or informal, will constitute a complaint and will be investigated to ensure that the rights of any person or work environment are free from any discriminatory harassment.

To Whom Should You Complain

Discrimination and/or harassment complaints should be reported to your immediate supervisor and/or Administrator. If you are uncomfortable, reporting the discrimination or harassment to your immediate supervisor and/or Administrator, then you may bypass this step and report the discrimination and/or harassment directly to another supervisory employee, your Department Head and/or the Borough Administrator.

Responsibility Of Supervisors

In order to ensure the integrity of the work environment, supervisory personnel are required to ensure adherence to and compliance with this Anti-Harassment Policy. Upon observing or being informed of any form of harassment in violation of this Policy, supervisors are required to take appropriate immediate action in response, including notifying the Department Head and/or the Borough Administrator, so that an investigation and/or appropriate remedial action can be taken, if necessary. Failure to report or adequately address such harassment is violative of this Policy and will result in disciplinary action.

Contents Of Complaints

An initial complaint may be made orally or in writing. However, if the complaint is made orally, the individual to whom the complaint is made shall reduce same to a written document, which shall, if it is deemed accurate, be signed by the complainant. The complaint shall include the following information:

- **The name and department of the complainant;**
- **The name and department of the charged party;**
- **The date(s) and approximate times of the alleged occurrence(s);**
- **The location(s) of the incident(s);**
- **A description of the specific acts of alleged harassment which occurred including the nature and circumstances, in detail, of the alleged harassment;**
- **The names of any witnesses to the alleged harassment or of any persons with relevant knowledge, and a summary of the same;**
- **Any injuries or consequences suffered by the complainant, and**
- **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 such other information or documents he/she believes are essential to the fair adjudication of his/her complaint.

INVESTIGATION OF HARASSMENT COMPLAINTS

Investigation Process

Employees who lodge a complaint can be assured that their complaint will be taken seriously, and will be promptly and thoroughly investigated. The nature and extent of the investigation will vary from case to case, depending on a variety of circumstances. The Borough Administrator or his /her designee will investigate all complaints. The harassment investigation shall include, but not be limited to:

- **Interviewing the complainant;**
- **Interviewing all potential witnesses, including those persons who may have knowledge of similar incidents;**
- **Interviewing the charged party;**
- **Reviewing municipal records for similar incidents involving the complainant and/or the charged party; and assessing the presence or absence of corroborative evidence for either party.**

Interviews

As specified above, the Borough Administrator and/or his/her, designee shall conduct interviews of the complainant, alleged harasser and all witnesses. All persons interviewed are required to (i) give true, complete and fully responsive oral and written statements to the Borough Administrator as requested; (ii) be available for multiple interviews on an as needed basis; and (iii) produce complete and true copies of all relevant documents. Interviews may be done informally or may be recorded or taken under oath at the exclusive discretion of the Borough Administrator.

Outside Counsel

Neither the complainant, the accused nor any witnesses shall be permitted to have their private counsel participate in an investigation or attend any witness interview or in any way interfere with the Borough's investigation even though the Borough Administrator may, in his/her sole discretion, request that the Borough Attorney assist him/her with the investigation. (The Borough Attorney represents the Borough and neither the complainant, the accused, or any witness.) The accused shall have the right to be represented by counsel or a union representative when they are interviewed.

Employee Cooperation

All employees are required to cooperate fully in the investigation of any discrimination or harassment complaint. The failure or refusal to cooperate fully in an investigation may result in disciplinary action, up to and including termination. The failure or refusal of the accused to cooperate fully with the investigation may be deemed an admission of the charges and may result in discipline, up to and including termination.

Resolving The Matter Written Summary:

Upon completion of the investigation, the investigator shall prepare a written summary of his/her investigation. This report will state the conclusions of the investigation and recommend what remedial action, if any, should be taken. The Investigator's conclusion will be discussed with the employee(s) who made the complaint and those who were alleged to have engaged in the inappropriate behavior.

Remedial Action

Upon completion of the investigation, appropriate remedial action will be taken against any employees found in violation of this Policy, as determined by the Borough Administrator and/or his/her designee. All remedial action shall be implemented in a timely manner and in accordance with New Jersey Department of Civil Service Rules and Regulations. Remedial action does not have to be progressive in nature and will vary depending on the nature of the inappropriate conduct. Potential types of remedial action include, but are not limited to:

- An apology and direction to cease the offensive behavior;
- Referral to counseling;
- Oral or written reprimand;
- Reassignment or change of work schedule to minimize contact between parties;
- Demotion;
- Suspension (with or without pay);

- **Employment termination;**
- **Referral to criminal justice system for possible violation; or**
- **Any remedy the Borough Administrator deems appropriate.**

Disciplinary Hearing

If the Borough Administrator determines that remedial discipline is appropriate upon the completion of the investigation, then appropriate disciplinary charges will be issued in accordance with Civil Service Commission Rules and Regulations. Any party subjected to major disciplinary action (e.g. suspension of more than five days, demotion and/or termination) may request a disciplinary hearing in accordance with Civil Service Commission Rules and Regulations. At the hearing, the parties shall be entitled to proceed with counsel and may present any information or documents that he/she believes is essential to the fair decision of the case. The final determination by the Borough Administrator or his/her designee shall be made within thirty (30) working days after the completion of the hearing and a Final Notice of Disciplinary Action will be issued if the charges were sustained. The employee may then appeal the Borough Administrator's findings to the Civil Service Commission.

Confidentiality

To the extent possible, the discrimination or harassment investigative proceedings will be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser, all witnesses, anyone who reports discriminatory harassment and any other persons involved. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision to safeguard the privacy and reputations of all involved. However, complete anonymity and confidentiality cannot always be guaranteed if a proper investigation is to be conducted because the Borough will have to make the charges known to the accused, any witnesses and a limited number of supervisory personnel. All such individuals will be advised to keep the matter confidential.

Retaliation

Any individual who reports incidents that the employee, in good faith, believes to be a violation of this Policy, or who is involved in the investigation of a discrimination or harassment complaint, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this Policy and should be reported immediately. Adverse employment actions, threats, intimidation and/or any other form of retaliation against an individual who reports, or is involved in the investigation of a harassment or discrimination claim, may result in disciplinary action, up to and including termination. A complaint of retaliation shall be reported to the Borough Administrator and/or his/her designee who shall investigate the complaint in the same manner as discrimination or harassment complaint, as set forth above.

Documentation

It will be the responsibility of the Borough Administrator and/or his/her designee to receive and collect data regarding complaints filed under this Policy. It shall be maintained in a confidential file, separate from all other employee personnel files.

Applicability Of This Policy To Certain Non-Borough Employees

Non-Employees of the Borough including, but not limited to, those interacting with Borough employees as vendors of goods and services, independent contractors, substitute or temporary workers or fill-ins, subject to federal, state and local laws against discriminatory harassment, shall also be subject to this Policy. Any employee who believes they are being harassed by a vendor, independent contractor, substitute or temporary workers should immediately file a complaint against that individual in accordance with the procedures set forth in this Policy.

Distribution And Training

The distribution of this Policy Manual shall consist of:

- **Posting this Policy Manual, together with any necessary signage, in a prominent location within all of the Borough's buildings;**
- **Distribution to all current Borough employees;**
- **Distribution to all persons hired as Borough employees subsequent to the effective date of this Policy Manual; and**
- **Discussion of the Policy Manual during any new employee orientation meetings, seminars, or training sessions held subsequent to the effective date of this Policy Manual. The Borough Administrator shall further ensure that all employees are aware of this Policy Manual and the Borough's harassment and discrimination complaint procedures by periodically conducting training relating to the Policy Manual and its implementation.**

False Accusations

Any employee who, in bad faith, makes a false claim of harassment or discrimination is subject to discipline, up to and including termination. However, an employee who brings a complaint that he or she in good faith believes constitutes unlawful discrimination or harassment will not be disciplined even if, after a thorough investigation, the Borough reaches a finding of no probable cause. In addition, any person who knowingly, recklessly and/or maliciously fails to give a complete and fully truthful and responsive statement in a complaint or investigation, or who withholds disclosing relevant information, or encourages others to do so, may be subject to discipline, up to and including termination.

Failure To Follow Policy

If an employee fails to follow this Policy for the filing and handling of discrimination or harassment claims, and the employee or their representative, heir or spouse thereafter institutes an administrative or legal action against the Borough or any officer, agent or employee thereof, the Borough reserves its right to assert, as the law permits, the employee's failure to take advantage of this Policy as an affirmative defense to the action.

"Whistle Blower" Policy

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or

regulation promulgated pursuant to law. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

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

Grievance Policy

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

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Borough

Administrator. The supervisor, Department Head will communicate the decision to the employee within two working days.

- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five days working days of the step one decision. After consulting the Employment Attorney/Labor Council as appropriate, the Borough Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

Access to Personnel Files Policy

The Personnel Clerk shall maintain the official personnel file for each employee. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized administrative and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Personnel Clerk upon reasonable notice.

Conflict of Interest Policy

Employees including Borough of Belmar officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough of Belmar. Violations of this policy will result in appropriate discipline including termination.

The Borough of Belmar recognizes the right of employees to engage in outside activities that are private nature and unrelated to Borough of Belmar business. However, business dealings that appear to create a conflict between the employee and the Borough of Belmar's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Borough of Belmar's Municipal Clerk a state mandated disclosure form. The Municipal Clerk will notify employees and local officials subject to the filing requirements of the Act.

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

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Belmar responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough of Belmar time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of the

Borough of Belmar's work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough of Belmar must submit a written notice of these outside interests to the Borough Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough of Belmar duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Belmar or any person or firm seeking to influence their decisions. Meals and other entertainment valued in excess of \$ 50.00 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity Policy

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Borough of Belmar time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Borough Administrator or the Labor Council. Violations of this policy could result in disciplinary action with penalties ranging from minor to major action being taken.

Employee Evaluation Policy

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least (once) a year. Each Department Head may evaluate more if they feel it would be advantages for their unit. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and place this form(s) in the employee's personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or the Borough Administrator.

Acute and/or continued sub-standard performance evaluations may result in disciplinary action up to and including termination.

Employee Discipline Policy

- A. An employee may be subject to discipline for all of the following reasons:
1. Falsification of public records, including attendance and other personnel records.
 2. Failure to report absence.
 3. Harassment of co-workers and/or volunteers and visitors.
 4. Theft or attempted theft of property belonging to the Borough of Belmar, fellow employees, volunteers or visitors.
 5. Failure to report to work day or days prior to or following a vacation, holiday and/or leave without notifying the Borough, and/or any other unauthorized day of absence.
 6. Fighting on Borough of Belmar property at any time.
 7. Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough of Belmar property and at any time during work hours.

8. Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
 9. Insubordination.
 10. Entering the building without permission during non-scheduled work hours.
 11. Soliciting on Borough premises during work time without approval of supervisor. 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 Avon, Amway, Girl Scout cookies, etc.
 12. Careless waste of materials or abuse of tools, equipment or supplies.
 13. Deliberate destruction or damage to Borough or suppliers' property.
 14. Sleeping on the job.
 15. Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.
 16. Violation of established safety and fire regulations.
 17. Unscheduled absence, and chronic or excessive absence.
 18. Chronic tardiness.
 19. Unexplained absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
 20. Defacing walls, bulletin boards or any other Borough or supplier property.
 21. Failure to perform duties, inefficiency or substandard performance.
 22. Unauthorized disclosure of confidential Borough information.
 23. Gambling on Borough premises.
 24. Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises.
 25. Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
 26. Conviction of a crime.
 27. Conduct unbecoming a public employee.
 28. Violation of Borough policies, procedures and regulations.
 29. Violation of Federal, State or Borough regulations concerning drug and alcohol use and possession.
 30. Misuse of public property, including motor vehicles.
- B. Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure, contract language and/or any Civil Service procedure.
- C. In cases of employee misconduct, the Borough of Belmar believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and Administrators may utilize the following corrective tools: verbal reprimand; Borough Administrator and or Department

Head review; written reprimand; suspension; fines, and, dismissal. At the discretion of Borough of Belmar, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

- D. Neither this manual nor any other Borough of Belmar guidelines, policies or practices create an employment contract. Employment with the Borough of Belmar may be terminated at any time with or without cause or reason by the employee or Borough. In the case employees covered by a collective bargaining agreement and/or of a Civil Service Position all statutory guidelines and negotiated contract provisions shall be followed.

Resignation Policy

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Work Force Reduction Policy

Pursuant to N.J.A.C. 4A: 8-1.1, the Borough of Belmar may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the **New Jersey Civil Service Commission**.

Driver's License Policy

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

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

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

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

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

Collective Bargaining and Department of Civil Service

Insofar as it is permitted and legal by the laws and regulations of the State of New Jersey, the policies set forth in this Handbook may be supplemented by Department of **Civil Service** Regulations as well as provisions contained within employees' collectively negotiated agreements. **If there is a conflict between the terms in this Handbook and a Collective Bargaining Agreement, the terms in the Collective Bargaining Agreement shall prevail unless contract to federal or state law.**

Open Public Meetings Act Procedure concerning Personnel Matters

Discussions by the governing body or any public body of the Borough of Belmar 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, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough of Belmar concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

Additionally, whenever the governing body or any public body of the Borough of Belmar intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the Borough of Belmar, then that governing body or that public body of the Borough of Belmar must provide notice of said intended action to said prospective public officer or employee or current public officer or employees. Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.

SECTION TWO **WORKPLACE POLICIES**

Job Description Policy

A job description including qualifications shall be maintained for each position (pursuant to New Jersey Department of Civil Service guidelines if the position is subject to Civil Service.) The Borough Administrator must approve all job descriptions. The Personnel Clerk will make copies available upon request.

Work Day and Attendance

Borough employees hereby establish the following regulations as the working time and attendance on the job. Accurate time and attendance records shall be maintained on each employee by the person in charge of the department who shall certify to the Payroll Department, the accuracy of his records on employees' absences for sick leave, vacations, leaves of absence, death, maternity, jury duty, or any other authorized or unauthorized absences.

The working hours are established by Departmental procedures and collective bargaining unit agreements with prior approval of the Borough Administrator, except as otherwise provided herein.

The pay period for all employees shall be bi-weekly (twenty-six (26) pays per year), unless otherwise specifically provided by resolution of the Borough.

All Employees of the Borough of Belmar must arrange their breaks and allotted meal time with their supervisors so that the functions of their jobs and offices continue to function in an efficient manner.

Early Closing and Delayed Opening

In the event of unsafe conditions, the Borough Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Borough Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to (the Department of Public Works,) (Police,) (Fire,) (Water,) (Sanitation,) (Emergency Services) (or) any personnel who may be required to assist in an emergency.

Dress Code

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, athletic clothing, shorts, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a business like appearance. Any exceptions must be approved by the Borough Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Inappropriate, offensive, or suggestive tattoos, body piercings, or jewelry, shall not be visible. With the advance approval of the Borough Administrator, the Borough of Belmar 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.

No Smoking

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Borough of Belmar has adopted a smoke-free policy for all buildings. The Borough of Belmar facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough of Belmar buildings. Employees are permitted to smoke only outside the Borough of Belmar buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicle

- A. Unless an employee receives permission from the Borough Administrator Borough owned vehicles shall be used only on official business and all passengers must be on Borough business. If an employee receives permission from the Borough Administrator to use a Belmar owned vehicles beyond “business only” use, the use of the Borough-owned vehicle shall be used primarily for Borough business.**
- B. Vehicles may be taken home only with the advance approval of the Borough Administrator except a (Mayor or chief operatory officer) may also grant temporary approval to facilitate responses to after-hours emergency calls.**
- C. When an employee takes home a Borough vehicle, it is to be used only for official Borough business; any other use is not permitted. At no time shall children be in the Borough vehicle when responding to an emergency.**
- D. Any violation of this policy constitutes cause for disciplinary action.**
- E. At no time may the Borough vehicle be used by an employee for personal use to leave the State of New Jersey, perform any function or action that is connected in any manner to another business or venture, or used to travel from any establishment where the employee has consumed alcohol.**
- F. The employee acknowledges and agrees that should it be shown that he/she used the Borough-owned vehicle during or after the use of alcohol, all privileges to use of the Borough vehicle shall cease immediately and such action may constitute a gross misconduct.**

Communication Media / Social Media Policy

- A. The Borough of Belmar Communication Media are the property of the Borough of Belmar and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, “Communication Media” includes all electronic media forms provided by the Borough of Belmar, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company’s Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.**
- B. All data stored on and/or transmitted through Communication Media is the property of the Borough of Belmar. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough of Belmar business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or**

through any of the Borough of Belmar mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough of Belmar local or wide-area networks.”

- C. The Borough of Belmar respects the individual privacy of its employees. However, employee communications transmitted by the Borough of Belmar Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Borough of Belmar. The Borough of Belmar reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough of Belmar Communication Media. By using the Borough of Belmar equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough of Belmar personnel. The existence of passwords does not restrict or eliminate the Borough of Belmar ability or right to access electronic communications. However, pursuant to New Jersey law the Borough of Belmar cannot require the employee to provide the password(s) to his/her personal account(s).
- D. All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough of Belmar are required to use the assigned municipal email account for ALL Borough of Belmar business and correspondence. The use of private email accounts for ANY Borough of Belmar business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee’s non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees.
- E. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.
- F. Employees can only use the Borough of Belmar Communication Media for legitimate business purposes. Employees may not use Borough of Belmar Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough of Belmar rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through

Communication Media, whether same is performed on the Borough of Belmar equipment or on the employee's own personal Communication Media.

- G. All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Borough of Belmar. Certain data, or applications that process data, may require additional security measures as determined by the Borough of Belmar. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.
- H. Information security is necessary to protect the Borough of Belmar's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough of Belmar.
- I. All employees may access only data for which the Borough of Belmar has given permission. All employees must take appropriate actions to ensure that Borough of Belmar data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Borough of Belmar data must be stored centrally as required by Borough of Belmar. This provides greater security, and ensures backup of all Borough of Belmar data is performed.
- J. Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Borough of Belmar computing environment.
- K. Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough of Belmar. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough of Belmar, or licensed to the Borough of Belmar. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.
- L. Social Media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administration may engage in social media activity during work time through the use of the Borough of Belmar Communication Media, as it directly relates to their work and it is in compliance with this policy.
- M. Employees must not reveal or publicize confidential Borough of Belmar information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also

includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

- N. **No Borough of Belmar employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough of Belmar Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in “emergency situations, “Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough of Belmar.**
- O. **For purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough of Belmar Communication Media. If such situation occurs, employee agrees that any images belong to the Borough of Belmar and agree to release the image to the Borough of Belmar and ensure its permanent deletion from media device upon direction from the Borough of Belmar.**
- P. **No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough of Belmar or on behalf of the Borough of Belmar, through the use of the Borough of Belmar Communication Media may be issued unless it has first been approved by the Borough of Belmar Administration.**
- Q. **Specifically, employees are forbidden from using the Borough of Belmar Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer’s official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer’s Communication Media or the employee’s own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.**
- R. **Because (authorized) postings placed on the Internet through use of the Borough of Belmar Communication Media will display on the Borough of Belmar return address, any information posted on the Internet must reflect and adhere to all of the Borough of Belmar standards and policies.**
- S. **All users are personally accountable for messages that they originate or forward using the Borough of Belmar Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user’s identity on any Communication Media is prohibited. “Spoofing” (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Borough Administrator is prohibited.**
- T. **Employees must respect the laws regarding copyrights, trademarks, rights of public Borough of Belmar and other third-party rights. Any use of the Borough of Belmar name,**

logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Borough of Belmar, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

- U. If employees choose to identify themselves as a Borough of Belmar employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough of Belmar, as such no employee shall knowingly represent themselves as a spokesperson of the Borough of Belmar, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Borough of Belmar expresses views that are detrimental to the Borough of Belmar's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin Borough of Belmar employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.
- V. To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough of Belmar employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough of Belmar are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough of Belmar, and that the employees are expressing their own personal views.

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

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

Use of Internet

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

Employees must comply with all policies adopted by the (local unit), including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state

and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Borough's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

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

Video Surveillance

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

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

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

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

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

Bulletin Board

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

Telephone Usage Policy

Borough of Belmar telephones are for official business. All personal incoming and outgoing calls should be limited to matters of emergencies such as illness, accident, and calls of a similar 31 Borough of Belmar Policies and Procedures Manual emergent nature. Employees must make reasonable efforts to obtain supervisor approval prior to making such calls. Personal calls should be, as much as practical, limited to break times and lunch periods. Charges for all other personal calls must be reimbursed to the Borough of Belmar.

- * Vacation leave shall not be taken in less than one (1) day period unless permission is granted prior thereto by the Department Head.
- * No Workmen Comp bonus day: An employee who does not file for workmen's compensation during the calendar year will be given one (1) bonus day to be taken off on their birthday.
- * No Use of Sick Time: See Sick Leave Policy

Personal Leave Policy

Employees are entitled to three (3) personal days per year, and any unused days are forfeited at the end of each calendar year **unless otherwise set forth in an applicable collective bargaining agreement. Employees shall provide their Department Head or designee at least two (2) hours notice that they will be taking a personal leave day. Personal leave cannot be used to in lieu of a denied vacation day or a denied compensatory day (if applicable). Personal leave days cannot be used in conjunction with vacation leave days**

Sick Leave Policy

- A. Employees are entitled to 15 working days of sick leave per calendar year **unless otherwise set forth in an applicable collective bargaining agreement.** Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member living with said employee. Employees absent on sick leave for three or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, a doctor's verification of that individual is required. After the seventh day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Borough of Belmar may require an employee to be examined by a physician designated by the Borough of Belmar to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.
- B. At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. The accumulation continues indefinitely and employees will be paid for one-half of their total accumulated unused sick time upon a normal retirement from the Borough of Belmar. The value of this time is at the year in which it was earned.
- C. Any employee not using any sick-leave time between January 1st and June 30th inclusive, in any given year, and/or between July 1st and December 31st, inclusive, in any given year, shall receive one (1) additional vacation day for each six (6) month period. Each additional vacation day so earned shall be used no later than the end of the calendar year following the date when earned. With respect to the Police Department Employees, the amount of time is two (2) additional vacation days for each six (6) month period.
- D. For other specific details of sick leave, see employee contracts.

Bereavement Leave Policy

Employees are entitled to three (3) consecutive calendar days leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person

related by blood or marriage residing in an employee's household. Employees are paid for all working days during the Bereavement Leave.

Employees of the Police Department and Street Department have different contract language. See their contracts for additional information.

Jury Duty Policy

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary.

Leave of Absence

An official leave of absence may be granted only by Resolution by the Mayor and Council of the Borough of Belmar. At the discretion of the Department Head, and with the approval of the Borough Administrator, any employee may be granted a one (1) day leave of absence without pay. The Mayor & Council must approve longer leaves of absences without pay. An employee on leave of absence without pay, except military leave, does not accrue vacation leave, sick leave, or any other benefits. No payments will be made to the pension system or health plan during this leave of absence. Employees on an extended and approved leave of absence may apply for COBRA insurance, which will apply for a period of six (6) months. Written notice of the foregoing shall be provided to the employee prior to taking such leave.

A leave of absence shall not exceed six (6) months in length, after which it may be reconsidered and any requested extension shall either be granted or denied by the Mayor and Council. Employees are required to notify the Borough of the anticipated date of return, as soon as such is known to the employee. Failure to return on such date without notice shall be considered a voluntary resignation.

The Borough shall have the sole discretion in matters of leaves of absence and each decision made shall be on its own merits. In no event shall the decision whether or not to grant a leave be not presidential as to any other decision regarding a leave, nor shall denial shall be the subject of a grievance in accordance with the collective bargaining agreement.

Family and Medical Leave

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with Borough of Belmar; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

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

position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

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

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

Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$637 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

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

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

incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee

must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

Military Leave Policy

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

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

During the period of active military duty, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed one year. Employees on active service will also continue to receive paid health insurance coverage during the one-year period plus an additional thirty days. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough of Belmar group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the one-year period of time.

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

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

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

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

Donated Sick Leave Program

A. Purpose

The purpose of the Donated Leave Program (DLP) is to allow employees to voluntarily donate a portion of their earned sick and/or vacation time to other employees who have exhausted their own earned leave time and who are suffering from a catastrophic health condition or injury which necessitates the employee's prolonged absence from work, in accordance with N.J.S.A. 11A:6-5.1 and N.J.A.C. 4A:6-1.22.

B. Medical Criteria for Eligibility of Recipient

An employee shall be eligible to receive donated sick and/or vacation leave from other employees if the employee meets one the following criteria:

1. Employee must be suffering from a catastrophic health condition or injury;
2. The employee is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury;
3. The employee requires absence from work due to the donation of an organ, including, but not limited to, the donation of bone marrow; or
4. The employee requires absence from work during a period of disability due to the pregnancy of the employee which requires the care of a physician who provides a medical verification of the need of the employee's absence from work for 30 or more work days, regardless of whether the absence from work commences before the expected delivery date or after the actual delivery date.

C. Definition of Catastrophic Health Condition or Injury

As used in the Donated Leave Program, and as defined by the New Jersey Statutes and Rules of the Civil Service Commission, the term catastrophic health condition or injury means the following:

- (1) With respect to an employee
 - (a) A life-threatening condition or combination of conditions; or
 - (b) A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days; and
- (2) With respect to an employee's immediate family member
 - (a) A life threatening condition or combination of conditions; or

- (b) A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more working days.

D. Additional Eligibility Criteria of Recipient

In addition to meeting one of the categories of medical eligibility, an employee shall meet all of the following criteria to be eligible for participation in the Donated Leave Program:

- (1) The employee must fully complete the Donated Leave Application, a copy of which is on file in and available from the Human Resources Department. The Donated Leave Application must also be signed by the employee's immediate supervisor. The employee must read all attachments to the Donated Leave Application including N.J.A.C. 4A:6-1.22 and sign and submit a Recipient Affidavit together with the completed Donated Leave Application to the Human Resources Department.
- (2) The employee must have completed at least one year of continuous service with the Borough;
- (3) The employee must have exhausted all accrued paid leave including compensatory, sick leave, vacation time and administrative leave;
- (4) The employee must produce acceptable medical verification from a physician or other appropriate licensed health care professional. The medical verification must indicate the nature, severity and anticipated duration of the disability resulting from the catastrophic health condition or injury, or appropriate medical verification for reason of disability due to pregnancy of the employee.
- (5) The employee shall not have been disciplined, in the two-year period immediately preceding the employee's need for donated leave, for chronic or excessive absenteeism, chronic or excessive lateness, or abuse of leave.
- (6) A leave recipient shall receive at least five sick days or vacations or a combination thereof from one or more leave donors to participate in the donated leave program.
- (7) A leave recipient shall receive no more than 260 sick or vacation days, and shall not receive any days on a retroactive basis.

E. Eligibility of Leave Donor

In accordance with N.J.S.A. 11A:6-5.1 N.J.A.C. 4A:6-1.22, to be eligible as a donor an employee must meet the following criteria:

- (1) A leave donor shall donate only whole sick days or vacation days.

- (2) A leave donor may not donate more than 30 whole sick days or vacation days to any one recipient.
- (3) Upon completion of donating time pursuant to the Donation Leave Program, a leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave.
- (4) A leave donor shall not revoke any leave donation.
- (5) An employee seeking to serve as a leave donor shall request from the Human Resources Department a Donated Leave Transfer Form. The prospective donor must complete the Donation Section and Certification Section of the Donated Leave Transfer Form, together with all other forms necessitated by the Borough of Belmar. The prospective donor must further have his or her supervisor complete any necessary sections of the Donated Leave Transfer Form. A completed and fully signed Donated Leave Transfer Form should then be returned to the Human Resources Department for consideration.

F. Donated Leave Program Procedures

- (1) An employee may request to participate in the Donated Leave Program. The employee requesting to participate should contact the Borough's Business Administrator or his/her designee, in writing, regarding his or her intent to request participation. A supervisor or department head may also initiate the process on behalf of the employee. Participation in the program is on a strictly voluntary basis.
- (2) Decisions regarding eligibility will be made on a case-by-case basis by the Business Administrator or his/her designee.
- (3) An employee shall be prohibited from threatening or coercing, or attempting to threaten or coerce, another employee for the purpose of interfering with the rights involving donating, receiving, or using donated leave time. The acts prohibited shall include, but not be limited to, promising to confer a benefit such as an appointment or a promotion, or making a threat to engage in an act of retaliation against an employee.
- (4) Approval
 - a. Requests are subject to receipt and approval of Recipient Affidavit and Donor Transfer Certification Transfer Forms. In the event a prospective recipient is unable to complete the Recipient Affidavit Form, the employee's family member or other legally appropriate designee may complete the form on behalf of the employee. The donor shall also complete the Donor Transfer Certification.

- b. The donor forms shall reflect that no one has directly or indirectly intimidated, threatened or coerced, or attempted to intimidate or coerce any other employee for the purpose of interfering with rights involving donating, receiving or using donated leave time.
 - c. Once a recipient has been approved for participation in the Donated Leave Program, the Borough Administrator or his/her designee will post or otherwise advise all employees of the ability to donate leave time to the recipient. Such posting or advisements shall only be undertaken with the consent of the recipient, or if the recipient is unable to consent, the recipient's family or other appropriate legal representative.
 - d. The recipient's leave account will be credited with the donated time upon approval of the Recipient Affidavit Form.
- (5) Any unused, donated leave time shall be credited to the leave donor(s) on a prorated basis upon the leave recipient's return to work. However, any portion that would amount to less than one (1) day per donor will not be returned.
- (6) Recipients cannot collect Temporary Disability Insurance (TDI) while participating in the Donated Leave Program. Once an employee has exhausted all benefits from the Donated Leave Program, the employee may make application for TDI.
- (7) As required in accordance with N.J.S.A. 11A:6-5.1 and N.J.A.C. 4A:6-1.22, while using donated leave time the leave recipient shall accrue sick and vacation leave and be entitled to retain such leave upon his or her return to work.
- (8) Upon retirement, the leave recipient shall not be granted supplemental compensation for any unused leave days which the leave recipient received through the Donated Leave Program.
- (9) Upon 30 days written notice to the Chairperson of the Civil Service Commission or designee, all affected employees and labor negotiations representatives representing the employees of the Borough, the Borough may suspend or terminate the Donated Leave Program.

SECTION FOUR

Compensation & Employee Benefits Policies

Scope

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Payroll Policy

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two (2) weeks, with overtime being held back for one (1) week in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation. Employees who want to have direct deposit should see the payroll clerk to arrange for this to be done.

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

Overtime Compensation Policy

- A. Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties.**
- 1. The Borough Administrator shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.**
 - 2. Time off consideration for large amounts of additional hours may be provided with the prior approval of the Borough Administrator and such decision shall be at his/her sole discretion.**
- B. All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime.**
- 1. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Borough Administrator.**
 - 2. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.**
 - 3. Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period at the rate of one and one-half times the regular rate of pay.**
 - 4. Employees may choose overtime compensation in the form of overtime pay or compensating time off.**
 - 5. The maximum number of hours that an employee may accrue for future compensating time off is seventy (70) hours.**

6. **Once this maximum has been accumulated, all additional hours will be compensated by overtime pay.**
7. **Accrued and taken overtime-compensating hours must be noted on the employee's time sheet.**
8. **Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.**
9. **Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.**

C. **Use of Compensatory Time**

1. **Employees must make a request in writing to their Department Head or designee in advance of when they want to take compensating time off as established by the policy and/or known practice of the Department.**
2. **The Department Head or designee cannot approve compensatory time off when at the time of the written request, the time off would cause additional overtime.**
3. **Notwithstanding the above, the Department Head or designee cannot approve the written request if causes an undue hardship to the Borough or the department.**

Health Insurance Policy

Employees and their immediate family members are provided health insurance coverage administered by the State Health Benefits Plan, or whatever private insurance plan the Borough may have. The Borough reserves the right to change provider networks, claims agents, and insurance mechanisms (fully insured versus health insurance fund, e.g.) **so long as substantially similar benefits and coverage are provided.** The complete benefit plan is on file in the Personnel Clerk's office and a Summary Plan Description will be provided to all employees. **All employees shall be entitled to the same plan(s) unless specifically negotiated in a collective bargaining agreement or if certain employees are protected by a "grandfathering" clause.**

Health insurance coverage for employees on an **unpaid** Leave of Absence or who cease Borough of Belmar employment will terminate at the end of the month in which the leave begins or employment is terminated. **However**, coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and up to fifty two (52) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the COBRA and/or Public Health Services Act provision for a period of up to eighteen months to thirty-six months. All newly hired employees and their spouses shall receive a notice of Cobra rights upon being hired. For more information, consult the Personnel Clerk.

Employees who retire with nineteen (19) years of service with the Borough of Belmar may continue to receive paid health insurance coverage, if they have the **required** number of years of employment to qualify for a normal retirement. **Regardless of the above, effective January 1, 2019, all newly hired employees shall be required to have at least twenty-five (25) years of continuous service with the**

Borough to be eligible for post-retirement health benefits. Employees receiving retiree health benefits must notify the Personnel Clerk in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. For more information, consult the Personnel Clerk.

Dental Benefits Policy

On File in the Personnel Clerk's Office

Drug Prescription Benefit Policy

On File in the Personnel Clerk's Office

Prescription Eye Glasses Benefit Policy

On File in the Personnel Clerk's Office

Deferred Compensation Policy

On File in the Personnel Clerk's Office

Retirement Policy

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator and the Personnel Clerk will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Workers Compensation Policy

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Borough of Belmar covers workers compensation benefits (through its membership in a joint insurance fund) (with a self-insurance plan). Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by (the joint insurance fund) (the local unit type) and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Borough of Belmar will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to N.J.S.A. 11A:6-8.

Employee Assistance Policy

On File in the Personnel Clerk's Office. A copy is on the employee board.

Educational Assistance and Training Policy

Subject to sufficient funds in the budget and upon approval of the Department Head, the Borough Administrator and after checking with the Chief Financial Officer (CFO) for available funds, employees will receive training in programs that are directly related to their work and in areas where the Borough of Belmar will gain from such training. The Department Head will be the sole judge of whether a particular course or program is "directly related" to the employee's work.

Conference and Seminar Policy

Requests to attend a conference or seminar must be approved by the Department Head and the Borough Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

Forms

- Employee Letter Concerning Employee Complaint Procedure
- Employee Complaint Form
- Application for Employment
- Voluntary Affirmative Action Information
- Results of Interview Form
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Receipt for Personnel Policies and Procedures Manual

Letter Concerning Employee Complaint Policy

The Borough of Belmar has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Borough Administrator or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Borough Administrator or the Employment Attorney/Labor Council. No retaliatory measures will be taken against any employee who complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Borough of Belmar Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you have previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

BY: _____ DATE: _____

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: _____ DATE: _____

Borough of Belmar

Date: _____

PO Box A, Belmar, NJ 07719

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Belmar before: ___ Yes ___ No If yes, give date _____

Date you can start: _____ Salary desired: _____

Are you available to work: ___ Full time ___ Part time ___ Shift work ___ Temporary

Are you currently employed: ___ Yes ___ No May we contact you at work: ___ Yes ___ No

May we contact your current employer: ___ Yes ___ No

Are you currently on layoff status and subject to recall: ___ Yes ___ No

Do you possess a current driver's license: ___ Yes ___ No

Do you possess a current commercial driver's license: ___ Yes ___ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ___ Yes ___ No

Are you legally eligible to work in the United States of America: ___ Yes ___ No

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Have you ever plead guilty or been found guilty of a crime; disorderly persons offense; or a municipal ordinance involving moral turpitude: ___ Yes ___ No

Employment is conditional upon the results of the criminal background check. An answer of "Yes" may disqualify you from employment depending upon the circumstances involved. If "Yes", please explain below.

The Borough of Belmar is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four

employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

| | | | |
|---|-------------------------|-------------------|--|
| Employer: | Date started: | Date left: | Work performed/ responsibilities: |
| Address: | Starting Salary: | | |
| Job Title: | Final Salary: | | |
| Reason for leaving: | | | |
| Supervisor's name and phone number: | | | |
| May we contact for a reference: Yes No | | | |
| Employer: | Date started: | Date left: | Work performed/ responsibilities: |
| Address: | Starting Salary: | | |
| Job Title: | Final Salary: | | |
| Reason for leaving: | | | |
| Supervisor's name and phone number: | | | |
| May we contact for a reference: Yes No | | | |
| Employer: | Date started: | Date left: | Work performed/ responsibilities: |
| Address: | Starting Salary: | | |
| Job Title: | Final Salary: | | |
| Reason for leaving: | | | |
| Supervisor's name and phone number: | | | |
| May we contact for a reference: Yes No | | | |
| Employer: | Date started: | Date left: | Work performed/ responsibilities: |
| Address: | Starting Salary: | | |
| Job Title: | Final Salary: | | |
| Reason for leaving: | | | |
| Supervisor's name and phone number: | | | |
| May we contact for a reference: Yes No | | | |

Comments:

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

| School: | Years completed: (Circle) | Graduated: (Circle) | Major Field: |
|-------------|------------------------------|------------------------|--------------|
| Elementary: | 5 6 7 8 | Yes No | N/A |
| High: | 1 2 3 4 | Yes No | |
| College: | 1 2 3 4 | Yes No | |
| Other: | 1 2 3 4 | Yes No | |

Languages: List any foreign languages you know and indicate your level of proficiency.

| Language: | Speak Some: | Speak Fluently: | Read: | Write: |
|-----------|-------------|-----------------|-------|--------|
| | | | | |
| | | | | |
| | | | | |

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

| Name & Address: | Phone Number: | Years Known: |
|-----------------|---------------|--------------|
| | | |
| | | |
| | | |

Understandings and Agreements:

As an applicant for a position with the Borough of Belmar, I understand and agree that I must provide truthful and accurate information in this application. I understand that my application may be rejected if any information is not complete, true and accurate. If hired, I understand that I may be separated from employment if the Borough of Belmar later discovers that information on this form was incomplete, untrue, or inaccurate. I give the Borough of Belmar the right to investigate the information I have provided, talk with former employers (except where I have indicated they may not be contacted). I give the Borough of Belmar the right to secure additional job-related information about me. I release the Borough of Belmar and its representatives from all liability for seeking such information. I understand that the Borough of Belmar is an equal-opportunity employer and does not discriminate in its hiring practices. I understand that the Borough of Belmar will make reasonable accommodations as required by the Americans with Disabilities Act. I understand that, if employed, I may resign at any time and that the Borough of Belmar may terminate me at any time in accordance with its established policies and procedures. No representatives of the Borough of Belmar may make any assurances to the contrary. I understand that any offer of employment may be subject to job-related medical, physical, drug, or psychological tests. I also understand that some positions may involve complete background and criminal checks.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? Advertisement Employment Agency Friend
 Relative Walk-in Other (Explain) _____

Information Regarding Status:

Gender:

Male

Female

Equal Employment Opportunity identification groups:

White

African-American (non-Hispanic)

Hispanic

American Indian/Alaskan native

Asian/Pacific Islander

Other _____

Other protected Groups:

Individual with a disability

Vietnam-era veteran (served between 1964 and 1975)

Disabled veteran

For Borough of Belmar use only

Hired: Yes No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

- | | | |
|---------------------------------|--------------------------------|-----------------------------|
| 1. Officials and Administrators | 4. Sales workers | 7. Operators(semi-skilled) |
| 2. Professionals | 5. Office and clerical workers | 8. Laborers (unskilled) |
| 3. Technicians | 6. Craft workers (skilled) | 9. Service workers |

Borough Borough of Belmar Borough of Belmar Borough of Belmar

Official _____ Date _____

This page for Borough of Belmar use only!
Results of interview

Interviewer:

Date: _____ **Time:** _____

NOTE: The application used for Police Officers is different and not part of this package. The Police employment application has been approved by the New Jersey Attorney General's Office for content.

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

| Category | It is discriminatory to inquire about: | Some examples of acceptable inquiries: |
|---------------------------------|--|---|
| Name | <ul style="list-style-type: none"> a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name | Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications) |
| Birthplace and Residence | <ul style="list-style-type: none"> a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship | <ul style="list-style-type: none"> a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien? |
| Creed and Religion | <ul style="list-style-type: none"> a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant | |
| Race or Color | <ul style="list-style-type: none"> a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number | |
| Photographs | <ul style="list-style-type: none"> a) Photographs with application b) Photographs after interview, but before a hiring | |
| Age | <ul style="list-style-type: none"> a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number | Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age |
| Language | <ul style="list-style-type: none"> a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language | Language applicant speaks and/or writes fluently (only if job related) |
| Relatives | Name and/or address of any relative of the applicant | Name and address of person to be notified in case of accident or emergency |
| Military Experience | <ul style="list-style-type: none"> a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge | <ul style="list-style-type: none"> a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces |

Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of Borough of Belmar's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor or the Borough Administrator. I understand that Borough of Belmar is an "at will" employer and consistent with applicable Federal and State law (including the New Jersey Civil Service Act), (as well as applicable bargaining unit agreements), employment with the Borough of Belmar is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough of Belmar has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states the Borough of Belmar's personnel policies in effect on the date of publication.

I UNDERSTAND THAT NOTHING CONTAINED IN THE MANUAL MAY BE CONSTRUED AS CREATING A PROMISE OF FUTURE BENEFITS OR A BINDING CONTRACT WITH THE BOROUGH OF BELMAR FOR BENEFITS OR FOR ANY OTHER PURPOSE. I ALSO UNDERSTAND THAT THESE POLICIES AND PROCEDURES ARE CONTINUALLY EVALUATED AND MAY BE AMENDED, MODIFIED OR TERMINATED AT ANY TIME.

Please sign and date this receipt and return it to the Borough Administrator who will file the receipt in the employee's personnel file. The Department Head should keep a copy in their files or records.

Date: _____

Signature: _____

Print Name: _____

Department: _____