TOWNSHIP OF WAYNE

EMPLOYEE HANDBOOK

The Township of Wayne is an Equal Opportunity Employer, M/F

INTRODUCTION:

Welcome, as you start your new job with Wayne Township. It is important to remember that, as a municipal employee, you work for the citizens of Wayne. The citizens of Wayne expect and are entitled to courteous and efficient service from you at all times in the performance of your duties. They also expect that the Township's 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 Township employee, you have certain rights and obligations. Federal and State law as well as Township 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.

The Township of Wayne is an equal opportunity employer. The Township hires employees on the basis of qualifications needed for available positions. The Township of Wayne's policy and practice is to ensure that applicants and employees are treated without regard to their race, color, religion, sex, age, national origin, political affiliation, handicap, veteran and/or marital status, and that the Township makes employment decisions in accordance with federal, state and local laws. This policy relates to all phases of employment, including, but not limited to: recruitment, employment, compensation, discipline and termination. The Township will not be a party to any agreement with any person or organization to limit, segregate, or classify any applicant or employee based on any illegal classification.

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 Township of Wayne has a "no tolerance" policy towards workplace wrongdoing.

This Employee Handbook discusses these issues and many other Township 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 Township personnel policy, contact your supervisor, or if you prefer, your Department Head, Human Resources or the Business Administrator.

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

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.

TOWNSHIP OF WAYNE

THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERSEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS HANDBOOK NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE TOWNSHIP OF WAYNE HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, OR WORKING CONDITIONS AT ANY TIME.

NO PERSON IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY THE BUSINESS ADMINISTRATOR.

THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

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GENERAL PERSONNEL POLICY:

It is the policy of the Township of Wayne to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township of Wayne shall apply to all employees, and certain (elected or) appointed officials. 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. The issuance of this handbook shall not diminish the right of a collective bargaining representative to request negotiations over mandatorily negotiable terms and conditions of employment.

All employees, officers and Department Heads shall be appointed and promoted by the Township of Wayne. No person shall be employed or promoted unless there exists a position created by the Administration, or ordinance, as applicable, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. Human Resources assists the Business Administrator in implementing personnel practices. The Business Administrator and Human Resources shall also have access to the Labor Attorney appointed by the Township of Wayne for guidance in personnel matters.

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

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

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

TOWNSHIP PRINCIPLES GUIDING PERSONNEL POLICIES:

1. Employment in the municipal government shall be based on merit and fitness for duty, free of personal and political considerations.

2. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government.

3. Appointments, promotions and other personnel actions requiring the application of the merit principle shall be based on, but not limited to, systematic tests, evaluations and interviews. Whenever possible, promotions shall be made from within.

4. Every effort shall be made to stimulate high morale by fair administration of this article and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the Township.

5. Continuity of employment covered by this article shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.

SECTION ONE

Policies Relating to Employee Rights and Obligations

Anti-Discrimination Policy:

The Township of Wayne is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act, as amended, by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Township of Wayne discriminate on the basis of sex, gender expression or identity, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership or civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. Decisions regarding 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, Human Resources or the Business Administrator.

Americans with Disabilities Act Policy:

In compliance with the Americans with Disabilities Act (ADA) and the New Jersey Law Against Discrimination, the Township of Wayne does not discriminate based on disability. The Township of Wayne 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 Township of Wayne 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 an undue hardship on the Township of Wayne.

The Director of Human Resources shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations upon receipt of an accommodation request or upon knowledge than an employee requires an accommodation. The Director of Human Resources will make recommendations to the Business Administrator to determine the feasibility of the requested accommodation considering various factors, including, but not limited to, the nature and cost of the accommodation, and the accommodation's impact on the operation of the Township, including its impact on the ability of other employees to perform their duties and on the Township's ability to conduct business.

The Director of Human Resources, after consulting with the Business Administrator, will inform the employee of the decision on their accommodation request or on how to make the accommodation. The Business Administrator shall make the final decisions regarding reasonable accommodation requests. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township of Wayne 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 Township of Wayne encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Township of Wayne 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 Township.

The Township of Wayne 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:

As a Township employee you will be required to exhibit work habits that ensure your personal safety, the safety of your co-workers and the safety of the general public. The following are some simple rules that will help achieve our goal of a safe work place:

- All accidents, injuries or exposures **must be reported immediately** to your supervisor no matter how small they may seem. A "Report of Injury Form" must be filled in and submitted **within 24 hours of the injury**.
- Promptly report ALL unsafe practices or conditions you observe to your supervisor.

- Cooperate during the investigation of an accident. It will aid in identifying the cause and hopefully eliminate any future recurrence.
- Actively support and willingly participate in all promotional and educational measures used in your Department's safety programs.
- Become familiar with and observe approved safe work procedures in your work activities.
- Become familiar with the fire evacuation plan for your work area.
- Become familiar with and observe the *Wayne Township Personal Protective Equipment Policy*.

Drugs and Alcohol Policy:

I. INTRODUCTION AND PURPOSE

It is the policy of the Township of Wayne to maintain a drug and alcohol free workplace while complying with all applicable laws and regulations.

As a public employer, the Township of Wayne is firmly committed to operating in the safest and most efficient manner possible. As a responsible employer, it is also committed to promoting the safety and welfare of its employees. The problem of drug and alcohol abuse in our society is a potential threat to those objectives, endangering not only the general public, but also the personal lives of Township employees.

In order for Wayne Township to meet its commitments to the public and its employees, it is essential that the Town operate in an alcohol and drug free environment, and that its employees be free from the effects of alcohol and other mind-altering drugs. It is the responsibility of each employee to ensure that he/she is alcohol and drug free and in compliance with the requirements outlined in this policy.

The purpose of this document is to implement a drug and alcohol testing program which meets the needs of Township Policy, the State and the Federal regulations cited below. The purpose of the testing program is to ensure a drug and alcohol free workplace. The Township goal is to meet all requirements of this policy while conducting the testing in a fair, equitable, dignified and private manner.

II. AUTHORITY

This policy was developed in accordance with the following Federal rules and regulations which apply to the State of New Jersey, as well as applicable State Statutes:

U.S. Department of Transportation, Office of the Secretary, 49 CFR Part 40 - Procedures for Transportation Workplace Drug Testing Programs; Final Rule

U.S. Department of Transportation, Office of the Secretary 49 CFR Part 382 et al. - Controlled Substances and Alcohol Use and Testing

New Jersey Public Employees Occupational Safety and Health Act, N.J.S.A. 34: 6A-25 et seq.

New Jersey Controlled Substance Laws, N.J.S.A. 2C: 35-1 through 24

New Jersey DWI Statute, N.J.S.A. 39: 4-50

III. APPLICABILITY

The following policy shall apply to all departments in Wayne Township Government. As a condition of employment, this policy in its entirety applies to all employees* whose job duties include the performance of safety-sensitive functions including those related to the operation of a commercial motor vehicle, as defined below, for which the employee is required to maintain Commercial Drivers License valid in the State of New Jersey. This applies to employees whose job includes such functions on a regular or occasional basis where the employee may have a distinct possibility of performing safety-sensitive functions when on-duty. It also applies to employees who perform safety-sensitive functions on an intermittent basis, such as a temporary worker or a driver of a non-commercial vehicle.

In addition to covering all operators of commercial vehicles subject to the CDL requirement, including intermittent or restricted use CPUs and drivers, this policy covers all other employees for pre-employment, reasonable suspicion, post accident/injury and return from extended leave testing.

*NOTE: Law enforcement employees are also covered by the Drug Screening Guidelines promulgated by the N.J. Attorney General, effective October 22, 1986, and amended on August 1, 1990.

IV. DEFINITIONS

Alcohol - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Use - means the use of any beverage, mixture, or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - certified to operate Breathalyzer equipment.

Commercial Motor Vehicle - means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (USDOT 49 CFR part 172, subpart F).

Communication Agreement - Agreement allowing SAP to communicate with Township about employees' treatment.

Controlled Substance - Has the meaning assigned by 21 U.S.C. 812 including substances listed on Schedules I through V as they may be revised from time to time (21 CFR Parts 1301-1316), and including those substances defined by N.J.S.A. Title 24 and companion regulations as they may be revised from time to time.

Criminal Drug Statute - Federal or State Criminal Statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.

Drug - Interchangeable use with the term "controlled substance". Including but not limited to marijuana (THC) mg/ml 50, cocaine mg/ml 2000, opiates mg/ml 2000, phencyclidine (PCP) mg/ml 25, amphetamines (including methamphetamines) mg/ml 1000, designer drugs, ecstasy and special K.

Medical Review Officer (MRO) - Designated Township Doctor(s) or contract physician(s) with appropriate medical training and knowledge of substance abuse conditions, authorized to receive, review and report laboratory drug test results.

On Duty - Any time period (regular work hours, overtime, hourly services), including breaks, during which an employee is required to comply with a directive from a supervisor and/or the employee is actually performing, may be expected to perform and/or be available to perform a safety sensitive function or other regular duties of his job.

For non-CDL employees any time for which you are being compensated and expected to perform the duties of your position.

Performing a Safety-Sensitive Function - any period in which a driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive function.

Positive Alcohol Test - A breath alcohol level of .02 or greater as measured by a breath analysis machine approved for use by the FHWA and appearing on the "Conforming Products List" in the Federal Register.

Positive Drug Test - A controlled substance test result reported positive by the laboratory and subsequently confirmed upon review by the medical review officer as evidence of prohibited drug use.

Reasonable Suspicion - Suspected use of alcohol or drugs while working or reporting for work as observed by one or more supervisors or employees.

Substance Abuse Professional (SAP) - Designated professional with appropriate training and knowledge to assess, address and counsel in substance abuse.

Safety-Sensitive Function - means any on-duty function as follows:

- All time spent at the driving controls of a motor vehicle.
- All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the employee has been relieved from duty by the supervisor.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required' and performing any other work in the capacity of, or in the employ or service of, a common, contract or private carrier. 49 CFR 395.2.
- All time working at the Water Pollution control Facility.
- Police Officers, Animal Control Officers, Life Guards, Inspectors, Flagmen, Dispatchers.

Subject to Duty - Any time period an employee is required to be available (on call) to report for duty to perform a safety-sensitive function or regular function of the job.

Supervisor or Supervisory Employee - An employee with responsibility for directing the work of other employees.

Workplace - Any location, including but not limited to garages. depots, yards, offices, field or road sites, whether or not owned or operated by the Township of Wayne where official Township business is conducted or where job duties are performed.

V. POLICY

A. Voluntary Participation in Treatment

Employees who have drug and/or alcohol abuse problems are encouraged to voluntarily seek treatment. Treatment may be sought through the employer (Employee Assistance Program) or independently by the employee without employer involvement.

Employees may be able to avoid negative consequences regarding their employment by seeking help to correct their substance abuse problem, before it becomes an issue under this policy.

Information regarding the availability of counseling services for drug or alcohol abuse

problems can be obtained by contacting the Human Resources Director at extension 3203, Wayne Counseling & Family Services directly (973) 694-1234, New Life Recovery directly (973-728-7788), or your personal physician.

B. Prohibited Conduct

As a condition of employment all covered employees are prohibited from:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or above.

2. Being on duty or operating a motor vehicle while in the possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicine containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

3. Using alcohol while performing safety-sensitive functions.

4. Performing safety-sensitive functions within **four** (4) hours after using alcohol.

5. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first

6. Reporting for duty or remaining on duty which may require the performance of safety-sensitive functions when the driver distributes, possesses or uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. NOTE: Covered employees shall provide notice of such therapeutic use of controlled substances. The reporting form is available from Human Resources or your Shop Steward. All forms are to be returned to Human Resources and will be kept as part of the driver qualification file/or medical file.

7. Reporting for duty or remaining on duty if the individual tests positive for controlled substance(s).

8. The use or possession of alcoholic beverages, as well as the use, sale, dispensing, possession or presence in one's system of illegal drugs, whether or not on Township property, at any time during the hours between the beginning and ending of the employees work day, may be cause for immediate dismissal. This prohibition also applies to the abuse of legal or prescription drugs which impair the employee's ability to perform duties of the job properly or safely.

9. Failing any Return-To-Duty test.

Violation by any employee of any of the above prohibitions is subject to disciplinary action up to, and including termination of employment.
A Department Head, Division Head, Assistant Division, Foreman or Supervisor having knowledge that a covered employee is in violation of any of the above shall not permit the employee to perform or continue to perform safety-sensitive functions.

C. Requirement of Cooperation with Collection and Testing

Each employee or individual with a conditional offer of employment or otherwise required to be tested for drugs and/or alcohol pursuant to this policy, must provide adequate, valid, undiluted, unadulterated breath and/or urine samples as requested. They must also supply all the information necessary to identify the samples (i.e. complete paperwork and initial specimen) and otherwise cooperate with the collection and testing procedure.

Failure to cooperate or provide such samples, without a valid medical explanation, shall constitute a refusal to cooperate.
Refusal to cooperate will result in immediate disciplinary action. Any individual with a conditional offer of employment who refuses to cooperate will not be hired.
Refusal to cooperate will result in immediate disciplinary action. Any individual with a conditional offer of employment who refuses to cooperate will not be hired.

Refusal of an employee to cooperate will be considered testing positive for drugs or alcohol concentration.

Adulterated samples will be considered an attempt to defraud and a positive test result.

D. Circumstances under which Drug and/or Alcohol Testing will be administered and determined

All testing as described below will be performed with standardized equipment and certified laboratories in accordance with the procedures established in 49 CFR Part 40, et. al.

Additionally, nothing in this policy shall be construed to authorize any delay in obtaining emergency medical treatment, where appropriate, for a covered employee. Individuals will be notified of all positive laboratory results of any drug test and provided with an opportunity to discuss the results with the Medical Review Officer prior to a final determination and reporting of the test results as positive.

Drug and/or alcohol testing will be administered as follows:

1. Pre-employment:
   All notices for employment opportunities requiring the possession of a Driver's License for the performance of safety-sensitive functions shall include notice of the requirement to undergo testing for controlled substances upon the receipt of a

conditional offer of employment. This includes those notices posted by the Department of H.R., as well as all job opportunities advertised by the Township.

a) Post-offer for Final Applicants
All individuals receiving conditional offers of employment will be required to undergo testing for controlled substances before final employment is confirmed.

This category includes, but is not limited to, new employees, former employees returning to Township service via re-employment lists, interim appointees, and temporary employees.

All individuals will be notified of the results of any drug pre-employment test that is positive. An individual who tests positive for a controlled substance will not be hired, appointed, or returned to service etc.

Should the sample be reported as a negative dilute the candidate will be required to retest.

Should it be reported as adulterated it shall be considered a positive.

2. Return or Movement of Current Employees/Leave of Absence:
Current Township employees who are initially assigned or reassigned to a safety-sensitive function in which service has not been rendered for six months or more are required to be tested prior to starting work in the new function. This category includes, but is not limited to, FMLA and other leaves, reassignments, temporary or interim appointments, demotions, promotions, transfers, and appointments resulting from a reduction-in-force.

3. Post-Accident Testing:
Following an accident involving a motor vehicle, the employee driver shall be tested for alcohol and controlled substance use when:

a) the accident involves the loss of human life or injury; or
b) the employee receives a citation under State or Local Law for a moving traffic violation arising from the accident and any vehicle is disabled as a result of the accident; or
c) required by a police officer of the investigating department.

Such testing shall be done as soon as practicable following the accident provided that it is done in the first two hours if not documented as to why not and:

a) under no circumstances shall a post-accident test for alcohol be administered beyond the 8 hour period immediately following the accident.
b) under no circumstances shall a post-accident test for controlled substances be administered beyond the 32 hour period immediately following the accident.

Under this type of testing, employees will be removed immediately from the performance of safety sensitive functions pending the outcome of the test(s).

4. Post Damage/Injury Testing
All employees are subject to drug and alcohol testing when involved in a workplace accident/incident, suffering or causing a work related injury or which causes damage to public or private property.

Testing under "Post Damage or Injury", is a requirement of Wayne Township Workrules and Policy, but shall be conducted under the same guidelines as CDL testing.

Consequences remain as set forth in Section H. Any testing required under this shall be done as soon as practicable following the incident/injury provided that it is done within the first three hours, if not, there must be documentation as to why not and:

a) Under no circumstances shall the post Damage/Injury test for alcohol be administered beyond the 8 hour period immediately following the incident.
b) Under no circumstances shall a post Damage/Injury test for controlled substances be administered beyond the 32 hour period immediately following the incident.

5. Random Testing:
All employees legally required and/or allowed by law will be subject to random unannounced drug and alcohol testing. Selection of employees will be by a method employing a scientifically valid random number generation method and objective, neutral criteria which ensure that every such employee has an equal statistical chance of being selected each time.

The method used will be a random draw, random-number table or computer-based random number generator that is matched with employee's identification numbers.

All employees will be subject to testing only while on duty, as defined in Section IV herein. The minimum testing frequency level shall be in conformance with the standards established by the Federal Highway Administration and published in the Federal Register on an annual basis.

At least, as required by law, 50 percent of the total number of CDL employees will be subject to random drug testing and 25 percent will be subject to random alcohol testing each year.

The process will be unannounced as well as random. Once the employee has been notified that they have been selected for testing. The employee must be escorted by a Supervisor and report immediately to the collection site. The employee will have approximately 30 minutes to get to the collection site.

6. Reasonable Suspicion Testing:
   All employees are subject to reasonable suspicion testing:
   When reasonable suspicion of use or abuse is present or when an employee is involved in a workplace accident/incident either suffers or causes injury or which causes damage to public or private property or persons.

   The required observations for alcohol and/or controlled substances shall be made by a supervisor who has been trained in accordance with this policy.

   In all cases of reasonable suspicion testing, supervisors shall be required to document their observations in a standard manner.
   Under this type of testing, employees will be removed immediately from the performance of safety-sensitive functions pending the outcome of the test(s).

   i. Alcohol Testing - An on-duty employee shall be required to submit to an alcohol test when the supervisor has reasonable suspicion to believe the employee has violated the Prohibited Conduct of this policy related to alcohol. The supervisor's determination that reasonable suspicion exists must be based upon specific, contemporaneous, articulable observation concerning the appearance, behavior, speech or body odors of the employee. Under no circumstances shall a test for alcohol under these conditions be administered beyond the eight hour period immediately following the supervisors determination.
   ii. Controlled Substance Testing - An on-duty employee shall be required to submit to a test for controlled substances when the supervisor has reasonable suspicion to believe the employee has violated the Prohibited Conduct of this policy related to controlled substances. The supervisor's determination that reasonable suspicion exists must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances.

7. Return-to-Duty Testing:
   All Employees are subject to Return To Duty Testing.

   Return to duty testing is required for any employee returning after suspension or lay off, or any time off due to prohibited conduct as set forth in Section V., B of this policy or any suspension due to positive test results under this policy.

   It is the township's policy to do **both** drug and alcohol testing during return-to-duty tests.

   Failure of any return-to-duty testing shall be cause for immediate termination of employment.

A return to duty test is required of any employee returning after testing positive for drugs, or alcohol at a level 0.02 or greater.

i. Alcohol Testing - Each Division/Department shall confirm with Human Resources before a covered employee returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by Section V.,B of this policy, undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. Individuals who are given an opportunity for a return to duty alcohol test, as described above, and are still found to have alcohol concentration of 0.02 or greater shall be terminated.

ii. Controlled Substance Testing - Each Division/Department shall confirm with Human Resources before a covered employee returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by Section V., B. of this policy, undergoes a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substance use. Any return to duty controlled substance test must be a verified negative. Any employee who fails a return to duty controlled substance test (Positive result) shall be terminated.

8. Follow-up Testing:
When an employee is permitted to return to duty following time off due to prohibited conduct as set forth in Section V.,B of this policy, the employee shall be subject to unannounced follow-up alcohol and/or controlled substances tests **once a month for the first 12 months** following the return-to-duty. Additional follow-up testing after the first year shall not exceed 60 months from the date of the employee's return-to-duty. The number and frequency of such additional follow-up testing shall be as directed by a Substance Abuse Professional. **Follow up testing does not take the place of random reasonable suspicion or return to duty testing**.

Follow up testing shall be paid for by the employee.

E. Training

Each employee will receive training with respect to the alcohol and drug testing policy and substance abuse.

F. Confidentiality

Information regarding therapeutic drug use or medical condition obtained in the course of drug and alcohol testing must be treated as a confidential medical record. Such information shall be collected and maintained on separate forms and in medical files separate from the employee's personnel file.

The Laboratory performing drug testing under this policy shall report individual test results to

the Medical Review Officer (MRO) only. The results shall not be disclosed by the laboratory to any other person other than to the individual who provided the sample.

The MRO can release controlled substance test results to the employer only after they have been confirmed positive and only after the MRO has made all reasonable efforts to discuss the results with the individual who provided the sample.

Statistical compilations, without individual identifiers, may be made available to the public. Any individual who is the subject of a drug test, shall upon written request, within five days have access to any records relating to his/her drug test when allowed by law.

G. Employee Notification

1. The Township shall establish the necessary operational procedures to implement this policy in accordance with the standards established in *49* CFR Parts 383, et al. and provide notice to all covered employees by copy of the policy and an explanation of the procedures prior to implementing any testing procedures.

2. All employees shall sign acknowledging the receipt of the policy and an explanation of the procedures and such receipt shall be maintained in the employee's personnel file.

H. Consequences of the Use of Drugs and the Misuse of Alcohol

1. Post Accident/Post Injury:
   The Township shall suspend any employee found with an alcohol concentration of between .02 and .04 for three (3) work days without pay when such testing is post accident/injury and it is determined that the accident is the fault of the employee.

   The Township shall terminate any employee found with an alcohol concentration of 0.04 or greater when such testing is post accident and it is determined that the accident/injury is the fault of the employee. The employee will be terminated regardless of fault if he tests positive for a controlled substance.

2. Random or Reasonable Suspicion:

   a) Alcohol Level of Greater Than **0.02** but Less Than **0.04** – If an employee has an alcohol concentration of 0.02 or greater he/she must be immediately removed from his safety sensitive functions.

First Offense:	He/She will be suspended without from work for a period of **one work day**.
Second Offense:	He/She will be suspended **three workdays** without pay, and sent to Wayne Township Substance Abuse Professional (SAP) for evaluation; a communication agreement must be signed.

Third Offense:	He/She will be suspended **ten work days** without pay, and sent to Wayne Township Substance Abuse Professional (SAP) for evaluation; a communication agreement must be signed.
Fourth Offense:	Employee will be **terminated**.

b) Alcohol Level **0.04 or Greater** – If an employee has an alcohol concentration of 0.04 or greater, he/she must be immediately removed from his safety sensitive functions. Employee shall be terminated in any case where the alcohol concentration is found to be 0.04 or greater when such test is post accident and it is determined that the accident is the employees fault.

First Offense: He/She will be suspended without pay from work for a period of **ten work days**, and sent to Wayne Township Substance Abuse Professional (SAP) for evaluation; communication agreement must be signed.

Note: Once an employee is in the .04 category they remain in such category for **any** second or third offenses of the alcohol policy.

Second Offense: He/She will be suspended without pay for a period of **thirty work days** and sent to Wayne Township Substance Abuse Professional (SAP) for evaluation; a communication agreement must be signed.

Third Offense: He/She will be **terminated**.

3. Verified Positive Drug Test:

If an employee has a verified positive or adulterated drug test result, he/she must be immediately removed from his CDL functions. The employee will be terminated regardless of fault in any case where they test positive for controlled substances when such test is post accident.

Note: Should a result be returned as "negative dilute" the employee shall be retested. The township reserves the right to require an observed sample as a re-test.

First Offense:

a) In lieu of termination the employee will be suspended without pay for a period of **45 working days**. The employee will not be available for work on/for any holiday, weekend or overtime which falls within the 45 working day period. Employee's suspension is on a last chance basis.
b) Employee must be seen and evaluated by the Township SAP.
c) Employee must give permission to the SAP to communicate about his evaluation, care, test results, and overall treatment with the Township of Wayne's Director of Human Resources.
d) At the end of suspension, employee will be subject to a Return-To-Duty Test. Such testing will be for both alcohol and drugs. In the event that the

employee falls any part of the Return-To-Duty Test his employment with the Township shall be terminated immediately.

e) Employee shall be subject to minimum follow up testing once a month for a period of twelve months at his own expense (paid at time of service) and at a time and place to be determined by the Township. Follow up testing does not take the place of random, reasonable suspicion or return to duty testing. Follow up testing shall be unannounced and be for alcohol and controlled substances. In the event the employee fails any test his employment with the Township shall be **terminated immediately**.

Second Offense: He/She will be **terminated**.

4. Refusal to take a Test:
Refusal to take the test is considered the most serious of offenses under this policy.

If an employee refuses to take/or complete the test or the employee's behavior is deemed as a refusal to cooperate or an attempt to alter, the following steps will be followed:

a) The testing individual (Collector/BAT) will instruct the employee a SECOND TIME to take/complete the test.
b) The testing individual (Collector/BAT) will immediately inform the Township and document the employee's refusal under "Remarks".

Such refusal shall cause the employee to be immediately terminated.

5. Employee unable to complete a Test:
   a) Drug Testing –
   If the employee is unable to provide at least 45 ml, the collection site technician shall instruct him/her to drink not more than 24 ounces of fluids during a period of up to two hours. The employee will then attempt to provide a complete sample using a fresh collection container. If the required amount is provided, the original insufficient specimen shall be discarded, If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the employer notified. The MRO shall refer the individual for a medical evaluation or perform such to determine whether the individual's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test. Refusal by an employee to complete and sign the required testing form, or otherwise to cooperate with the collection process must• be noted on the form and the test will be terminated. Such a refusal is considered a refusal to take a test and is considered the same as a **positive drug test**. Such refusal is also considered the most serious of offenses under this policy and is grounds for immediate dismissal.

b) Alcohol Testing –

If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide an adequate amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test. Any cost involved for this evaluation is solely the responsibility of the employee.

If re-screening or confirmatory test cannot be completed, the BAT must, if practicable, complete a new test using a new alcohol testing form with a new sequential test number. Refusal by an employee to complete and sign the alcohol with the collection process must be noted on the form and the test will be terminated. Such a refusal is a refusal to take a test and considered and alcohol result of 0.04 or greater third offense.

6. Return to Duty Testing:

Failure of **any** return to duty testing shall be cause for **immediate termination** of employment.

7. Follow up Testing:

Alcohol - Failure of follow up testing as directed by the SAP and the 6 minimum in a 12 month period required falls back into the offense steps as outlined in above.

Control Substance - Failure of a follow up test will result on the immediate dismissal and termination of employment.

I. Testing

Alcohol - Test shall be of breath for alcohol content.
Drug -Testing shall be split urine sample for controlled substances.

J. Split Sampling

If an employee tests positive for drugs, he may instruct the MRO to send the second half of the split sample to reconfirm the results. The cost of the second test will be the responsibility of the employee if the results confirm the first test.

Employees testing positive for drugs, who exercise their right to send the second half of the split sample to reconfirm the results shall be suspended without pay pending the results of such confirmatory testing.

K. Testing Outside Scope of Employment

Failure of any drug or alcohol test outside of the employee's scope of employment are not solely controlled by this policy. Loss of Drivers License will be dealt with under other policies.

VI. THERAPEUTIC DRUG USE

Therapeutic drugs are those prescribed by a licensed medical practitioner (as defined in 382.107) or bought over the counter without a prescription. Employees may not operate any vehicle or machinery while under the influence of a therapeutic drug unless the packaging instructions or the prescribing doctor advises the employee that the substance will not affect the ability to safely operate a motor vehicle.

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when using a controlled, illegal, prescribed, therapeutic or over-the-counter substance which adversely affects the driver's ability to safely operate a commercial or noncommercial vehicle. Any driver who violates this paragraph will be subject to discipline including termination of employment.

VII. SUPPLEMENTAL INFORMATION

The Township CDL Drug and Alcohol Testing Policy is in compliance with all applicable laws and regulatory agency requirements including but not limited to the NRC Fitness for Duty Rule 10 CFR Part 26, and the DOT Drug Testing Rule 48 CFR Part 199. These regulations are and will be subject to interpretation. Wayne Township Policies and Procedures are required to comply with applicable regulations and therefore may require revision in the future. Nothing in this policy shall preclude the Township from exercising its managerial right to implement progressive discipline for reasons other than that covered by this policy.

Workplace Violence Policy:

The Township of Wayne will not tolerate workplace violence. Violent action or threats made by an employee against another person or property are cause for suspension or immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Township of Wayne property, at Township of Wayne events, at any location where said individual is performing in the course of his/her employment or under other circumstances that may negatively affect the Township of Wayne'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 Township of Wayne property or while on Township of Wayne business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

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

General Anti-Harassment Policy and Anti-Sexual Harassment Policy:

The Township of Wayne has a strong commitment to provide a work environment free from unlawful harassment based on sex, gender expression or identity, affectional or sexual orientation, race, color, religion, national origin, age, disability, ancestry, atypical hereditary cellular or blood trait (AHCBT), liability for service in the Armed Forces of the Unites States, creed, handicap, marital or civil union status, familial status, genetic information, refusal to submit to genetic testing, refusal to provide genetic information, or nationality of that person or that person's spouse, partners, members, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, or other characteristic protected by law (collectively the "protected classifications"). The Township of Wayne will not tolerate unlawful harassment.

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

This policy shall apply to all employees of the Township of Wayne and to any individuals who serve as volunteers, as well as to officials and certain appointees.

PURPOSE:

To ensure all employees of the Township of Wayne a work environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected classification.

PROVISIONS:

1. **Improper Conduct:** Instances that may violate the Township of Wayne's policy against harassment and which may result in disciplinary action include, but are not limited to, the following:
   - *Unwelcome remarks and actions based on the protected classifications.* This may include, but is not limited to, inappropriate jokes, comments or posted materials.
   - *Threats or suggestions that an employee's employment work status will be adversely affected based upon the protected classifications.*
   - *Affecting or denying employment opportunities or benefits to an employee based upon the protected classifications.*
   - *Engaging in a negative tangible employment action based upon the protected classifications.*
   - *Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy*.

2. **Sexual Harassment:** An important note must be made with respect to sexual harassment. Sexual Harassment is defined as any unwelcome advance or request for sexual favors or any conduct of sexual nature where:
   - Submission to the harassing conduct is made explicitly or implicitly as a term or condition of employment; or
   - Submission to or rejection of the harassing conduct is used, or threatened to be used, as the basis of employment decisions; or
   - Such conduct has the purpose or effect of substantially interfering with an individual's work or creates an intimidating, hostile, or offensive working environment.

   Sexual harassment is *unwelcome* sexual attention which is demeaning and causes the recipient distress. Comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

3. **Supervisory Personnel:** Every supervisor is responsible for preventing and reporting unlawful harassment based upon a protected class. Once a supervisor receives a report from an employee about potential harassment or observes behavior that may constitute potential harassment, the supervisor should promptly notify the Department Head or Township Administrator. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by supervisors and managers whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the supervisor or person of higher rank. Unlawful harassment is not limited, however, to employees of different rank.

4. **Complaint Procedure:** Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident directly to his/her supervisor. If circumstances prevent reporting the incident directly to the supervisor, or if the employee feels uncomfortable reporting to their supervisor, the employee should report the incident to the Director of Human Resources or Township Administrator. (Members of the Police Department should report complaints of sexual harassment to their commanding officer, who shall then

report it to the Director of Human Resources or Township Administrator. If circumstances prevent reporting the incident directly to the commanding officer, then the incident should be reported to the Director of Human Resources or Township Administrator directly.) The report need not be in writing, however, must make it promptly to one of the individuals described above. If the complaint involves a direct supervisor, the employee is not required to complain to that direct supervisor. The complaint should then be made to any of the other above-mentioned individuals. A complaint of harassment shall be investigated in a timely manner.

A. The complaint filed must include the following information:
   (1) The name and department of the complainant;
   (2) The name and department of the charged party;
   (3) The date, time and location of the event;
   (4) The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
   (5) Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.

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

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

5. **Investigation Procedure:** Once a complaint has been registered or a harassment situation has become known to the Township of Wayne, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint. If the Township of Wayne determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include, but is not limited to, being suspended without pay, a written warning, suspension, demotion, or termination of employment.

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

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

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

8. **False Accusations:** Since a charge of harassment is a grave and serious one, false accusations of harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person engaging in such behavior.

Any employee with questions regarding the Township of Wayne's Anti-Harassment Policy may contact their supervisor, Department Head, or Township Administrator.

"Whistleblower" 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 Township of Wayne 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 Business 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 Township of Wayne. 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 below and Employee Complaint form on page 57-58). Under the law, the employee must give the Township of Wayne a reasonable opportunity to correct the activity, policy or practice.

Employee Complaint Policy:

Employees who wish to complain of alleged harassment should follow the procedures set forth in the Township of Wayne's Anti-Harassment Policy. Employees who wish to register a complaint regarding any other workplace wrongdoing are requested to immediately report the matter to their supervisor or, if they prefer, to their Department Head or the Business Administrator. Employees are encouraged to complain in writing using the Employee Complaint Form (See page 57-58), but may make a verbal complaint at their discretion. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.
If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and, if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The employee will be notified of a decision or of the status of the investigation within a reasonable time from the date of the report or incident.

Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by Human Resources. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate, secure file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review his/her file in the presence of the Personnel Department upon reasonable notice and in accordance with any applicable collective bargaining agreement. In accordance with the Open Public Records Act, the Township will release information to third parties for purposes of employment verification. This information will be limited to the dates of employment with the Township, position and final salary.

Conflict of Interest Policy:

Employees including Township of Wayne officials must conduct business according to the highest ethical standards of public service and comply with the Local Government Ethics Law (N.J.S.A. 40A:9-22.1 et seq.). Employees are expected to devote their best efforts to the interests of the Township of Wayne. Violations of this policy will result in appropriate discipline including possible termination.

The Township of Wayne recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Township of Wayne business. However, business dealings that appear to create a conflict between the employee and the Township of Wayne's interests are prohibited. Employees are also permitted to accept permanent outside employment, provided that there is no possibility that such employment will interfere with an employee's performance or compromise an employee's position through a conflict of interest. Before accepting any outside employment, an employee shall advise his or her department head, in writing, utilizing the Township's Outside Employment Form.

A potential or actual conflict of interest occurs whenever an employee including a Township of Wayne official is in a position to influence a Township of Wayne 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 Township of Wayne may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are prohibited from engaging in outside employment activities while on the job or using Township of Wayne time, supplies or equipment to further their outside employment activities. The Business Administrator may request employees to restrict outside employment if the quality of Township of Wayne work diminishes. Any employees who hold an interest in, or are employed by, any business doing business with the Township of Wayne must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township of Wayne duties. Under no circumstances may an employee accept donations, gratuities or contributions from a vendor doing business with or seeking to do business with the Township of Wayne or any person or firm seeking to influence Township of Wayne decisions. No employee, in the course of his or her employment or in connection with such employment, shall accept a gift or other thing of value, including meals, of a total cumulative value in excess of $25.00 in any calendar year. For purposes of this section, a discount on the purchase of services or products which is extended to all municipal employees, with advanced written notice to the Administration, shall not be considered to be a gift, even if it Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy or Section 4-87 of the Township Code.

In accordance with Section 4-80 of the Township Code, the following political activities are prohibited:

a. Seeking or accepting nomination to any township office other than the Board of Education without first obtaining a leave of absence.

b. Using influence publicly in any way for or against any candidate for elective office in the Township government.

c. While on Township time, circulating petitions or publicly campaigning on behalf of any candidate for Township office, or working the polls in any municipal, primary or general election.

d. Soliciting or receiving any subscription or contribution for any Township political purpose or party.

A violation of any of these provisions shall be deemed sufficient cause for dismissal from the Township service. However, nothing in this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club or organization; attending political meetings; expressing their views in private on political matters outside of working hours and off Township premises; or voting with complete freedom in any election.

Initial Employment Period Policy:

Every new employee serves a probationary period in accordance with his/her collective bargaining unit agreement, the Code of the Township or applicable State Statute. Termination of employment during the probationary period shall be in accordance with Section 4-78 of the Township Code and/or current collective bargaining unit agreements.

An employee who transfers from one bargaining unit to another or within the same bargaining unit will also be subject to a probationary period in his/her new title unless otherwise regulated by collective bargaining agreement or municipal code. A transferred employee will be informed of his/her probationary period at the beginning of the new job by the supervisor and/or Human Resources.

An employee who voluntarily leaves his/her employment with the Township prior to completing his/her probationary period shall reimburse to the Township all costs associated with his/her pre-employment physical.

Employee Evaluation Policy:

The Department Head will periodically complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be forwarded to the Personnel Department for inclusion in the employee's official personnel file. As a part of

the evaluation, employees have the right to request a conference with the Business Administrator or Human Resources.

Employee Discipline Policy:

An employee may be subject to discipline, including possible termination, for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and visitors.
- Theft or attempted theft of property belonging to the Township of Wayne, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave when such absence is unauthorized, and/or any other unauthorized day of absence.
- Fighting on Township of Wayne property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Township of Wayne property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Township of Wayne property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.

- Soliciting on Township of Wayne premises during work time. This includes, but is not limited to, distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations. Employee to employee solicitation, i.e., school fund raisers, is not prohibited, but must be conducted in a professional and cordial manner.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Township of Wayne or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township of Wayne premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other property of the Township of Wayne or a supplier.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential information.
- Gambling on Township of Wayne premises.

- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township of Wayne premises.
- Deliberate delay or restriction of work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of certain crimes.
- Conduct unbecoming a public employee.
- Violation of Township of Wayne rules, policies, procedures and regulations.
- Violation of Federal, State or Township of Wayne regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Other sufficient cause.

This list merely illustrates examples and does not constitute a complete list of possible violations warranting discipline.

In order to correct inappropriate behavior, supervisors and managers may utilize the following: verbal reprimand, written reprimand, suspension, and dismissal. At the discretion of Township of Wayne, disciplinary action may begin at any step, and/or certain steps may be repeated or bypassed, depending on the severity and nature of the infraction and the employee's work/disciplinary record. Suspensions and Dismissals must also conform to any requirements specified in Section 4-78 of the Township Code and/or in accordance with the applicable collective bargaining agreement.

Neither this handbook nor any other Township of Wayne guidelines, policies or practices creates an employment contract. Employment with the Township of Wayne is at-will and may be terminated at any time with or without cause or reason by the employee or Township of Wayne.

Promotions and Transfers:

It is the intention of the Township to fill job vacancies with qualified Township employees whenever possible before looking to hire new employees. When a vacancy cannot be filled from within, the Township will seek new employees. Transfers from one department to another will be made when it is advantageous to the Township and/or the employee to make such a transfer. Employees may request a transfer once a position is opened. If the transfer takes place, the move shall be made without prejudice or loss of any seniority rights unless regulated by collective bargaining agreement or municipal code. A promotion is a move to a position with more responsibility and shall include a change in title and pay. Promotions shall be made exclusively on merit and qualification.

Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance in accordance with the applicable collective bargaining agreement or Township Code. 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. A confidential exit interview will be conducted 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 all property of the Township in the employee's possession. Resignations must also conform to any other requirements specified in Section 4-79 of the Township Code and/or in accordance with the applicable collective bargaining agreement.

Work Force Reduction Policy:

The Township of Wayne may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives.

Driver's License Policy:

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

All new employees who will be assigned work entailing the operation of a Township of Wayne 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 employees' drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Human Resources or Business Administrator. Any employee who does not hold a valid driver's license will not be allowed to operate a Township of Wayne vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Township of Wayne 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 his/her supervisor and continues to operate a Township of Wayne vehicle shall be subject to possible termination.

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

SECTION TWO

Workplace Policies

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Business Administrator. Human Resources will make copies available upon request.

Employment Definitions Policy:

Anyone who is hired/appointed to a paid position with the Township of Wayne which is authorized in the Township operating budget and whose salary is paid through the Township payroll shall be classified under one of the following categories:

Probationary Employee.

A newly hired/appointed employee or an employee receiving a promotion who is subject to a probationary period.

Full-time Employee.

As defined by collective bargaining agreement, Township Code or an employee whose work week consists of 5 consecutive work days with a minimum weekly total of 35 hours (40 hours for employees who are members of the Blue Collar Union and the Wayne Foreman's Association).

Seasonal/Temporary Employee.

As defined by collective bargaining agreement, Township Code or an employee appointed to a seasonal or temporary position. Seasonal/temporary employees accrue no benefit or seniority rights, and time spent as a seasonal/temporary employee is not creditable as full-time employment at any time in the future.

Part-Time Employee.

As defined by collective bargaining agreement, Township Code or an employee whose regular workweek is less than 30 hours per week and who is paid for time worked on an hourly basis at a rate of pay consistent with Township policy. The hourly rate of pay is full and complete compensation for time worked. Part-time employees accrue no benefit or seniority rights, and time spent as a part-time employee is not creditable as full-time employment at any time in the future.

Seniority.

The term "seniority" is defined as being the total length of an employee's full-time service with the Township commencing with his/her original date of hire unless otherwise defined in collective bargaining agreements to which the Township is a party.

Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday.

Employees are responsible for keeping track of their allotment of sick time and its use.

An absence is the failure of an employee to report to work during the shift when he/she is scheduled to work. A scheduled absence such as jury duty, military leave, family and medical leave or vacation must be scheduled in advance and approved by the Department Head or designee.

An excused absence occurs when an employee notifies his/her supervisor at the start of the normal work day that he/she will not be able to report to work due to personal illness, death in the family, or sickness in the household which requires his/her care in accordance with the Wayne Township Sick Time Policy (See page 41).

An unexcused absence occurs when any employee fails to notify the supervisor of his/her absence and/or permission is not granted for the absence by the supervisor. Unexcused absences will not be tolerated and will result in immediate disciplinary action being taken, in accordance with the Wayne Township Uncompensated/Dock Time Policy. Attendance records for each employee will be maintained by the Department Head or supervisor. These records will be used when considering promotions and any other types of advancement, as well as periodic performance reviews.

An Absence From Work Form is used in reporting and documenting the nature of an absence. This form must be completed and signed by the employee and his/her supervisor either before a scheduled absence or immediately upon returning to work after an excused or unexcused absence. Copies of the Absence From Work Form are available from your immediate supervisor. Any employee who utilizes all available leave during any calendar year is also subject to the provisions of the Township's Uncompensated/ Dock Time Policy (See page 44).

Employees must clock in when reporting to work and clock out when going off duty. Under no circumstances is an employee authorized to clock another employee's card. Any violations of this rule and/or the Wayne Township Lateness/Tardiness Policy or the Uncompensated/Dock Time Policy will result in disciplinary action up to and including discharge for either or both employees. Employees should clock in no earlier than 15 minutes before the start of the workday and clock out no later than 15 minutes after the completion of the workday.

Supervisors, managers or employees exempted by the Fair Labor Standards Act are not required to clock in or out.

Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each department will have a calling system in place. If work is called off for the day, no time will be charged for the day. This provision does not apply to those employees considered to be essential personnel or any personnel who may be required to assist in an emergency.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Departmental practice will reflect appropriate clothing and grooming standards in accordance with Township standards. There may be variations by departments according to work needs and functions. All employees who are not required to wear uniforms must dress in appropriate, businesslike clothing. Acceptable dress for women: businesslike suits, blazers, skirts, blouses and pants, sweaters, career-type dresses. Acceptable styles for men: businesslike suits, blazers and sport jackets, shirts, sweaters, shirts and pants; ties worn with above, if customary within the department. All fabrics, styles and designs should be appropriate and professional. Approved Township of Wayne apparel is also considered acceptable under this policy.

Samples of unacceptable dress for women: sheer and/or tight clothing; revealing garments; low necklines; short skirts (generally, more than three (3) inches above the knee); tee shirts; shorts, tights and/or leggings; spandex, blue jeans (for office staff); halter/midriff tops; sundresses without jackets; sweatsuits, workout gear, sneakers/athletic footwear (for office staff).

Samples of unacceptable styles for men: blue jeans (for office staff); sports gear; shorts; sweatsuits; tee shirts that are not part of the work uniform; sneakers or athletic footwear (for office staff); workout gear.

Office staff whose principal activities involve administrative duties and contact with the public should not wear blue jeans and/or sneakers. This also applies on designated "casual days". Exceptions to this may be made by the Department Head on days where office staff is performing functions that warrant the use of casual clothing (e.g., moving, storage, heavy filing). This does not apply to field personnel who have permission of the Department Head to wear this clothing and/or footwear.

<u>This list is not all-inclusive and is subject to change.</u>

The Business Administrator may designate casual dress days. Casual dress days require the wearing of neat, casual, comfortable clothing. For example, collared shirts and casual slacks for men; casual slacks, tailored blouses and pantsuits for women.
The examples of unacceptable dress for women and men mentioned above are also applicable to casual dress days.

All employees must take care to insure that their personal hygiene is acceptable so as not to interfere with the work operations within the department. If there is a problem, a conference will take place and discipline may be applied if there is no improvement. Offensive hygiene could be a symptom of a medical problem. If the Township believes this may be the case, a medical evaluation will be conducted at the expense of the Township. All hairstyles should be neat, clean and well-groomed, and reflect a professional appearance. Nails should be clean and not excessively long. Nail polish and art should project a professional image.

Employees who do not comply with the provisions of this policy and/or their individual department's regulations or uniform policy, if applicable, will be subject to disciplinary action.

No Smoking Policy:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township of Wayne has adopted a smoke-free policy for all buildings. Township of Wayne facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township of Wayne buildings. Employees are permitted to smoke only outside Township of Wayne buildings and in accordance with the Township Code. Smoking inside vehicles owned by the Township of Wayne is prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

Township of Wayne owned vehicles shall be used only on official business and all passengers must be on Township of Wayne business. (An employee who is also employed by another governmental entity may use a Township of Wayne vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Township of Wayne and the other jurisdiction.)

Vehicles may be taken home only with the advance approval of the Business Administrator. When an employee takes home a Township of Wayne vehicle, it is to be used only for official Township of Wayne business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action.

Smoking inside vehicles owned by the Township of Wayne is prohibited.

If an employee is involved in an accident while driving a Township vehicle, regardless of severity, the Township police must be called to the scene immediately and a police accident report prepared. The vehicle must not be removed from the scene until this has been done.

If an accident should take place in another municipality, it is the responsibility of the driver to notify the police department in that jurisdiction and to ensure that the proper reports are filed.

Telephone Usage Policy:

Township of Wayne telephones are for official business only and should not be used for personal calls unless an emergency arises. Public telephones are available for use throughout the municipal complex. The use of cell phones for personal calls during the workday should be kept to an absolute minimum. **The use of hand-held cell phones while driving Township of Wayne vehicles or while driving on Township of Wayne business is prohibited**. The use of cell phones is also regulated by the Township of Wayne Cell Phone Policy.

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

Township of Wayne computers, E-Mail, voice mail and the Internet access are for official business. Use for non-business purposes is prohibited. All E-Mail, voice mail and Internet messages are official documents subject to the provisions of the Open Public Records Act. The Township of Wayne reserves the right to monitor, obtain, review and disclose all E-Mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Township of Wayne as deemed necessary and appropriate. By using Township of Wayne E-Mail, computer systems, voice mail and the Internet, each user agrees that the Township of Wayne has unrestricted access and the right to disclose all information communicated or stored on the Computer/E-Mail, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information.

E-Mail system hardware, as well as all messages composed, sent or received on the E-Mail system are the exclusive property of the Township. Employees are cautioned that E-Mail systems do not provide complete confidentiality, and that **Township employees have no right to privacy when they use the Township's computer equipment or E-Mail system**. The Township has the right to access, monitor and disclose the contents of any electronic message composed, sent, received, or in any other way stored in the E-Mail system, for any business purpose, including to determine whether there have been any breaches of security, violations of Township policy, or other E-Mail system misuse.

Content of E-Mail Communications

The Township's policies against harassment and discrimination apply fully to use of the E-Mail system. In addition to any other restrictions set forth herein, employees are prohibited from using the Township's computer equipment and E-Mail system to distribute electronic communications containing offensive, harassing or defamatory language, or any communication containing ethnic slurs, racial epithets or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religion or other legally protected status. Employees are further prohibited from using the Township's E-Mail system to display or transmit sexually explicit images, messages or cartoons, or any electronic communication that is political or religious in nature. Violations of this prohibition will result in disciplinary action up to and including termination of employment.

Compliance with Law

Use of the Township's E-Mail system must be in accordance with the law. The E-Mail system shall not be used to illegally send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Violations of applicable laws may result in civil or criminal prosecution, and will result in disciplinary action up to and including termination of employment.

E-Mail Passwords

E-Mail passwords are the confidential and proprietary information of the Township. To prevent unauthorized access to E-Mail messages, E-Mail passwords should not be shared with anyone but the authorized user.

Consent

The use of the Township's computer equipment and E-Mail system constitutes an employee's consent to all of the terms set forth herein. If deemed necessary by the Township, this consent may be required in writing.

Perils of E-Mail

Any E-Mails you send or receive concerning municipal business are public records. The ease and apparent informality of E-Mail can lull people into feeling like they are having a casual conversation while they are using it. However, in reality, when you use E-Mail to discuss municipal matters, you are producing a public record, just as you are when you write a hard copy letter, memo, or other document. Any member of the public can obtain a copy of such E-Mail unless it comes under one of the exemptions in the Open Public Records Act. Therefore, do not put anything in an E-Mail that you would not put in a letter or memo on the same subject. In other words—**THINK BEFORE YOU CLICK!**

Also remember that an email concerning public business is a public record no matter where you send it from or where you receive it. It is the subject of the E-Mail that matters, not its location. **Such electronic messages sent from or received by your**

home computer, if they concern municipal issues, are available to the public just like the ones sent or received at the municipal building or at your office.

Information concerning the Open Public Records Act and its exemptions can be accessed at www.state.nj.us/grc/reference.html

E-Mails concerning municipal business, because they are public documents, are subject to records retention rules.
In other words, you must think before you delete, as well. The New Jersey Division of Archives Management (DARM) rules governing the retention of public records apply to electronic public records as well as hard copy public records. Detailed information on this subject can be accessed at www.state.nj.us/state/darm/links/circular-letter-03-10-st.html.

E-Mails can even pose Open Public Meetings Act issues.
Supposed you are a member of a five person governing body. If you E-Mail one of the other members about a municipal issue, and she responds, you have created two public records, with the attendant issues. However, if she responds and forwards both E-Mails to a third member, who responds to both of you with his opinion, not only does the Open Public Records Act come into play, but the Open Public Meetings Act may be violated. Because a quorum of the governing body, enough to make a decision or to act, are discussing a municipal matter, you may be found to be holding a public meeting without properly noticing or inviting the public.

Even if no action is taken pursuant to the E-Mails, and the matter is later acted upon at a properly noticed open public meeting, the formal action can be viewed as something that was improperly decided in private and "rubber-stamped" in public. Remember that the Open Public Meetings Act can be violated even if its requirements are literally met, but its policy of ensuring that government acts openly is circumvented by such "secret' preparations.

As long as you remember the issues involved in its use, E-Mail can be a wonderful tool or for municipal officials. Just remember, if you have any questions about the OPRA or OPMA consequences of an E-Mail exchange, be sure to check with your municipal attorney to make sure that you don't click or delete yourself into a problem.

Bulletin Board Policy:

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

Pre-Employment Physicals Policy:

Subject to any contrary provisions contained within any applicable collective bargaining agreements or the Township Code, it is a condition of employment that all new employees undergo and pass a medical examination by a physician designated by the Township prior to starting employment with the Township, but after a conditional offer

has been made. The medical examination will include both drug and alcohol testing, and employment with the Township is contingent upon the satisfactory results of the medical examination. An employee will be deemed to have achieved satisfactory results if the examination demonstrates that the employee does not suffer from any condition which would prevent him or her from performing the job with or without a reasonable accommodation. The Township will provide reasonable accommodations to applicants with a disability and will not withdraw an offer of employment unless the results of the medical examination demonstrate that the applicant is not capable of performing the essential duties of the job with or without a reasonable accommodation. Employees who test positive for current illegal drug or alcohol use will not be deemed qualified and the conditional offer of employment will be rescinded. The results of a pre-employment physical are kept strictly confidential.

Meal Breaks Policy:

All full-time employees in grades 2 through 15 who work a full workday are afforded a one (1) hour meal break which will be determined by the employee's supervisor. Blue Collar, Foremen and Water Pollution Supervisors are allotted a 30-minute meal break to be taken at a time determined by the employee's supervisor.

Address and Telephone Verification Policy:

All employees are to provide Human Resources with their current address and telephone number. If this address is the same one that appears on the employee's Status Form, then no further action is required. However, if an employee's Status Form contains a post office box number, then that employee must provide the Township with his/her address. If the employee feels more comfortable, he/she can notify Human Resources of the address/telephone without changing the Status Form.

Within ten (10) days of changing an address and/or telephone number, an employee must notify Human Resources of this change in address.

Health Education & Screening Services Policy:

A wide variety of Health Educational programs and screening services are available to Wayne employees through the Wayne Health Department. Employees receive notices periodically concerning the dates and nature of various health programs and services.

Employee Fitness Center Policy:

A regular fitness and exercise program can have a distinctly positive influence on your health and well-being. Exercise also helps keep heart and blood vessels healthy, aids in weight control and provides relief from stress. Many of our employees recognize the benefits of exercise and use the weight training and aerobic equipment available in our Employee Fitness Center, located in the lower level of the Health Department. The Fitness Center, which is open Monday through Friday from 7:30 a.m. to 10:00 p.m.

excluding holidays, may not be used during an employee's regularly scheduled working hours. A small annual fee is charged to help defray operating costs.

NOTE: To become a member of the Employee Fitness Center an employee must obtain medical clearance from his/her physician. The Health Department should be contacted for more details. The Fitness Center is unsupervised and employees who use the equipment do so at their own risk. The Township is not liable for injuries sustained while using the Fitness Center. Access to the Employee Fitness Center is not a condition of employment. Employees permitted to access the Employee Fitness Center must sign a release.

SECTION THREE

Paid and Unpaid Time Off Policies

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues. If these issues area addressed in an employee's collective bargaining agreement, the collective bargaining agreement shall govern.

Paid Holiday Policy:

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King Day (observed)
- Lincoln's Birthday (excluded after 2011)
- Washington's Birthday (observed)
- Good Friday
- Memorial Day (observed)
- Independence Day (July 4)
- Labor Day
- Columbus Day (observed)
- General Election Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday. The use of Holidays must also conform to any requirements specified in Section 4-73.B of the Township Code and/or the applicable collective bargaining agreements.

Vacation Leave Policy:

All regular full-time employees receive paid vacation leave in accordance with Section 4-73.C of the Township Code and/or their collective bargaining agreements, whichever is applicable.

Personal Leave Policy:

Three (3) sick days allotted each year to full-time employees, who are not uniformed members of the Wayne Police Department, may be used as personal days. Personal days

may be utilized in accordance with the appropriate collective bargaining agreement and/or Township Code, whichever is applicable.

Unused personal days will accumulate as unused sick leave to be carried over to the following year.

A full-time employee may apply for a personal leave without pay for a period not to exceed one (1) month during any fiscal year. This may be accomplished by submitting a written request to the Department Head stating the reason for the leave and the expected return date at the conclusion of the leave. All requests for unpaid personal leave must receive the recommendation of the employee's Department Head, the recommendation of the Business Administrator and the approval of the Mayor before being granted, in accordance with Section 4-73.E(3) of the Township Code and/or the applicable collective bargaining agreements.

Sick Leave Policy:

The Township grants full-time employees an allotment of sick days on a cumulative yearly basis as described in the applicable collective bargaining agreement or Section 4-73.D of the Township Code. These days are to be used when the employee or a member of their immediate family is sick and the employee's presence is needed to provide care, or if the employee is quarantined, or suffers a disabling injury. Accumulated sick time may also be used in conjunction with family and medical leave. An employee shall be required to provide the Township with proof of illness when asked to do so.

Accumulating sick leave can help provide the employee with some compensation in the event of serious illness/disability. It is beneficial to save as much time as possible for this purpose.

Any employee who is unable to report to work due to illness or for any of the reasons previously cited must notify his/her supervisor at the start of the employee's normal work day.

Employees working at the DPW Garage should call (973) 633-3564. Those working at the Mountain View Water Pollution Control Plant should call (973) 694-6253 and employees of the Division of Parks & Forestry should call (973) 406-3915. All other employees should call their immediate supervisor at (973) 694-1800.

Appropriate disciplinary action may be taken where an employee does not provide proper notification or is found to be abusing sick time.

The Township has the right to request medical documentation to verify sick time whenever it deems necessary.

Upon separation of service with the Township, full-time employees with more than one (1) year of service are entitled to a per diem payment for each accumulated and unused sick day in accordance with the provisions of his/her collective bargaining agreement and/or the applicable provisions of the Township Code.

Additional details regarding the use of sick time and the procedures for dealing with the abuse of sick time can be found in the Abuse of Sick Time Policy, the applicable collective bargaining agreement or Section 4-73.D of the Township Code.

Abuse of Sick Time Policy:

Employees are required to report to work when scheduled unless utilizing sick, vacation, personal or other time in accordance with the applicable contract.

For purposes of this policy, the employee's past history of sick use will be considered. Sick time abuse is not limited to a calendar year.

Once an employee has utilized all but five (5) days (approximately 40 hours) of sick leave, as a courtesy, their Division Head will issue a reminder notice to the employee explaining that the employee has only five (5) days (40 hours) remaining in his/her sick bank.

An event is any sick time usage evidencing a pattern of absenteeism, including absences on: Fridays or Mondays; the first or last business days of the week; the day before or after a holiday or vacation day; or any combination of the above. An event will be charged for any usage for which a doctor's note is not supplied when required by this policy or required in conjunction with a disciplinary action.

Doctor's notes/slip may be required whenever deemed appropriate, independently or in conjunction with any disciplinary action.

The Township reserves the right to have an employee examined by a Township physician whenever it deems necessary.

A doctor's note is required upon return from any sick leave of three or more consecutive days, or when a sick day is utilized in conjunction with a vacation or holiday.

The Township may, in its sole discretion, require a doctor's note for sick leave of any duration. If required, a doctor's note must be provided upon employee's return to work or within seventy-two hours (72) if a request is made for further clarification. Failure to meet this requirement will result in the absences being characterized as unexcused and dealt with in accordance with the uncompensated dock time policy.

A doctor's note is a document written by a treating physician which gives sufficient information to determine a reason for use of sick time. At a minimum, a doctor's note must include the doctor's name, address, phone number, employee name, the date or dates seen by the physician, the date(s) employee was/is unable to work and the date upon which the employee is able to return to work.

In addition, any employee who receives a reminder notice must provide a doctor's note as described above and such note must set forth the condition(s) for which the employee was seen. This additional requirement shall remain in effect for the balance of the calendar year in which the reminder was received.

Abuse of sick time will be handled in the following manner:

Step/Write up:

1. VERBAL WARNING – (Green Form)	After three (3) events in a six month period.
2. WRITTEN WARNING – (Yellow Form)	After two (2) additional events in the next six month period.
3. DISCIPLINARY – (Pink Form)	Next subsequent event as per warning: Recommended action will be up to three (3) work days suspension without pay.
4. FURTHER DISCIPLINARY ACTION – (Pink Form)	Any further events and the employee will be subject to further disciplinary action up to and including termination.

IMPROVEMENT: Six months with no sick time used (no events).

When an employee has met the above requirement (minimum six months with no sick time events used) the employee may be moved back one step in the process and when going back from 1st step designated as having a clean slate. Any such improvement shall utilize the following procedure:

1) Employee makes written dated request to Department/Division Head.

2) Employee has gone six months without using any sick time (no events).

3) Department Head verifies improvement and no infractions have occurred in the six months immediately preceding the request, and makes recommendation for change to Administration.

4) No request will be accepted while disciplinary action is pending.

5) A form making record of such action shall be placed in the employee's file and be attached to the write up under this policy.

When an employee has met the above requirement for a second six months (total 1 year no sick time events used) that employee may be designated as having a "clean slate" with regard to this policy. This designation will be handled using the following procedure:

1) Employee makes written dated request to Department/Division Head.

2) Employee has gone an additional six months without using any sick time (no events – total of 1 year).

3) Department Head verifies improvement and no infractions have occurred in the six months immediately preceding the request, and makes recommendation for change to Administration.

4) No request will be accepted while disciplinary action is pending.

When the above requirements have been met, a letter making record of such action shall be placed in the employee's file. This letter shall set forth the clean slate* status of the employee and be attached to the related write-ups under this policy.

*A clean slate indicates an employee's next step would be a Step 1. "Verbal Warning" within the parameters of the Sick Time Policy.

Nothing in this policy shall preclude the Township from exercising its managerial right to implement progressive discipline for reasons other than that covered by this policy.

NOTE: A Division/Department Head may eliminate one or more of the above steps if the employee has problems with tardiness, patterned or abusive absenteeism or other disciplinary problems. This should only be done in consultation with the Director of Human Resources.

Uncompensated/Dock Time Policy:

It is the responsibility of every employee to utilize sick, vacation and personal time responsibly throughout the year so that he/she has available time necessary to cover illness, emergencies etc.

It is not the policy of Wayne Township to allow the use of "dock" (uncompensated) time, either in place of, or as an addition to, sick leave, vacation or personal time provided by contractual agreement.

Once an employee has utilized all but five (5) days (approximately 40 hours) of sick leave, as a courtesy their Department/Division Head will issue a notice to the employee warning/reminding that the employee has only five (5) days (approximately 40 hours) remaining in his/her sick bank.

In any calendar year:

Steps:

1) FIRST ACTION
After an employee utilizes all available leave and he/she calls out or is charged with an unexcused absence, the employee will not be paid for that time not worked and suspended an additional three (3) work days without pay.

2) SECOND ACTION
If an employee calls out or is charged with an unexcused absence a second time, he/he will not be paid for that time not worked and suspended an additional ten (10) work days without pay.

3) THIRD ACTION
Any further instance of call out or unexcused absence will result in minimum thirty (30) work day suspension up to and including termination of employment.

NOTE: A Division/Department Head may eliminate one or more of the above steps if the employee has problems with tardiness, patterned or abusive absenteeism or other disciplinary problems. This should only be done in consultation with the Director of Human Resources.

OTHER:

1. Exceptions to the above procedure time may be made in instances of documented and approved Family and Medical Leave, or unpaid leave as available by contract and in extraordinary circumstances with the recommendation of the Department Head and approval of the Business Administrator.

2. Nothing in this policy shall preclude the Township from exercising its managerial right to implement progressive discipline for any reason other than that covered in this policy.

Lateness /Tardiness Policy:

Employee shall report to work as scheduled.

Abuse will be handled in the following manner:

STEP/WRITE UP:

1.	VERBAL WARNING – (Green Form)	Lateness two (2) times in a pay period, or three (3) times in a month, or four (4) times in a six (6) month period.
2.	WRITTEN WARNING – (Yellow Form)	One (1) more lateness in the next six (6) month period.
3.	DISCIPLINARY – (Pink Form)	Next subsequent late as per warning: recommended action will be up to three (3) work-days suspension without pay.
4.	FURTHER DISCIPLINARY ACTION – (Pink Form)	Any further lateness and the employee will be subject to further disciplinary action up to and including termination.

NOTES:

A. If an employee reports later than 30 minutes past start time without notification such employee shall be sent home – unpaid.

IMPROVEMENT: Six months with no lateness (no events).

When an employee has met the above requirement (minimum six months with no late events) the employee may be moved back one step in the process and when going back from 1st step designated as having a clean slate. Any such improvement shall utilize the following procedure:

1) Employee makes written dated request to Department/Division Head.
2) Employee has gone six months without any latenesses (no events).
3) Department Head verifies improvement and no infractions have occurred in the six months immediately preceding the request, and makes recommendation for change to Administration.
4) No request will be accepted while disciplinary action is pending.
5) A form making record of such action shall be placed in the employee's file and be attached to the write up under this policy.

When an employee has met the above requirement for a second six months (total 1 year no lateness events) that employee may be designated as having a "clean slate" with regard to this policy. This designation will be handled using the following procedure:

1) Employee makes written dated request to Department/Division Head.
2) Employee has gone an additional six months without a lateness (no events) (total of 1 year).
3) Department Head verifies improvement and no infractions have occurred in the six months immediately preceding the request, and makes recommendation for change to Administration.
4) No request will be accepted while disciplinary action is pending.

When the above requirements have been met, a letter making record of such action shall be placed in the employee's file. This letter shall set forth the clean slate* status of the employee and be attached to the related write ups under this policy.

*A clean slate indicates an employee's next step would be a Step 1 Verbal Warning within the parameters of the Lateness/Tardiness Policy.

Nothing in this policy shall preclude the Township from exercising its managerial right to implement progressive discipline for reasons other than that covered by this policy.

Note: A Division/Department Head may eliminate one or more of the above steps if the employee has problems with tardiness, patterned or abusive absenteeism or other disciplinary problems. This should only be done in consultation with the Director of Human Resources.

Bereavement Leave Policy:

In the event of a death in a full-time employee's immediate family, that employee, upon the approval of his/her Department Head, may be granted a leave with pay not to exceed

three (3) days. The term “immediate family" is defined and can be found in Section 4-73.E(5) of the Township Code or the applicable bargaining agreements to which the Township is a party.

Where circumstances justify, a reasonable extension beyond the three days may be granted with the recommendation of the Department Head and the approval of the Business Administrator. In addition, consideration for attendance at funerals for individuals other than the immediate family may be granted with the recommendation of the Department Head and the approval of the Business Administrator.

Jury Duty/Court Appearance Policy:

Any full-time employee who is summoned for jury duty or a required court appearance will be granted paid leave for the period of time that he/she is officially involved with the court in such capacity in accordance with Section 4-73.E(4) and/or the applicable collective bargaining agreement. The employee's immediate supervisor must be notified immediately upon receipt of notification from the court. Employees must provide proof of jury service upon return to work.

Family and Medical Leave Policy:

Federal Family Medical Leave Act:

Eligible employees are entitled to up to twelve (12) weeks of unpaid leave during a twelve (12) month period. The Township of Wayne uses a rolling twelve (12) month period measured backward from the date an employee begins family or medical leave. An eligible employee will be entitled to unpaid Family and Medical Leave for one or more of the following reasons:

(i) The birth or placement of a child for adoption or foster care (leave must commence within one year of the birth or placement of the child);
(ii) To care for the immediate family member (spouse, child, or parent) suffering from a serious health condition which renders the immediate family member unable to work or to care for him/herself; or
(iii) Due to the employee’s own serious health condition which renders the employee unable to perform the functions of his or her job.

A serious health condition is an illness, injury, impairment, or physical or mental condition involving incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility. It also includes treatment by (or under the supervision of) a health care provider involving:

(i) any period of incapacity requiring absence from work, school, or other activities of more than three days;
(ii) A chronic or long term health condition which is incurable or so serious that, if not treated, would likely result in incapacity of more than 3 days;
(iii) Prenatal care.

To be eligible for FMLA leave, you must be an eligible employee as defined by the FMLA. Pursuant to the FMLA, an eligible employee is one who has been employed by

the Township for at least twelve (12) months and who has worked at least 1,250 hours during the twelve month period immediately preceding the commencement of leave.
Eligible employees will be entitled to twelve weeks of unpaid leave in any twelve-month period where leave is taken for any one or more of the reasons listed above.

New Jersey Family Leave Act:
To be eligible for NJFLA leave you must be an employee as defined by the NJFLA. Pursuant to the NJFLA, you are an employee if you have been employed by the Township for at least 12 months and have worked 1,000 hours during the immediately preceding 12 month period.
NJFLA unpaid leave for an employee may be taken to provide care made necessary by reason of:

(i) the birth of a child of the employee
(ii) the placement of a child with the employee in connection with adoption of such child by the employee; or
(iii) the serious health condition of a family member of the employee (family members include parents, in-laws, children, and spouse or legally recognized civil union partner).

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in any 24 month period upon advanced notice to the Township. Leave taken because of the birth or placement for adoption of a child may commence at any time within one year after the date of the birth or the placement for adoption.

General:
In limited circumstances, an employee who is eligible for family or medical leave may be permitted to work a reduced schedule or receive periodic time off from work.
Where the necessity for leave is foreseeable, requests for leave under this policy should be submitted to the Human Resources in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave. If it is not possible to give thirty (30) days notice, then the employee must provide as much notice as possible. Where the necessity for leave is not foreseeable, an employee should notify Human Resources of the need to take leave as soon as possible.

Where leave is taken for the employee's own serious health condition or to care for an immediate family member suffering from a serious health condition, employees will be required to submit a medical certification from a physician documenting the employee's or the immediate family member's serious health condition. The Township of Wayne will provide the employee with a "Certification of Health Care Provider" to be used for this purpose. The completed certification must be submitted to Human Resources within fifteen days of the request for leave, except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under the policy, and result in denial of re-employment upon completion of the leave. If deemed necessary, the Township of Wayne may require that the employee obtain the opinion of a second health care provider designated by the Township of Wayne, which will be paid for by the Township of Wayne. If there is a conflict between the original medical opinion and the second opinion, the Township of Wayne may require a third opinion by a health care provider jointly selected by the

Township of Wayne and the employee and paid for by the Township of Wayne. The third opinion, if required by the Township of Wayne, will be considered final and binding. The Township of Wayne may require an employee who takes leave for the employee's own serious health condition or to care for an immediate family member suffering from a serious health condition to obtain subsequent re-certifications on a reasonable basis, but no more frequently than monthly. The Township of Wayne also may require an employee returning from leave due to the employee's own serious health condition to submit a medical certification of fitness-for-duty.

All family and medical leave under this program will be unpaid except to the extent that the employee may be entitled to and elects to utilize paid sick/personal/vacation days during the family or medical leave of absence. Seniority, vacation, sick days, and personal days will not continue to accrue during the leave period except for pension/retirement plan purposes.

Employees requiring leave due to a work related illness or injury may be eligible to receive workers compensation benefits.

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

An employee returning from leave pursuant to the FMLA and/or the NJFLA will be either restored to his/her former position or placed in an equivalent position with comparable compensation and benefits unless: 1) the employee is unable to perform an essential function of the position because of physical or mental condition, including the continuation of a serious health condition; or 2) the employee would have been laid off or otherwise had his/her employment terminated had the employee continued to work during the leave period as, for example, because of a general layoff. An employee failing to return from leave may be subject to termination of employment.

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

All leave eligible under any New Jersey Leave or Federal Leave will run concurrently. (For example; any time off under workers compensation shall count toward an employee's allotment of available FMLA Leave).

Military Leave Policy:

A. Any full-time employee who is a member of the National Guard, or reserve components of the military or naval service of the United States and is required to perform active duty for training periods shall be granted a leave of absence with pay for the period of such training. This paid leave of absence shall be in addition to his/her vacation leave but shall not exceed 10 days in any fiscal year. [Amended 9-19-1979 by Ord. No. 87-1979]

B. When an employee has been called to active duty or inducted into the military or naval forces of the United States, he/she shall automatically be granted an indefinite leave of absence without pay for the duration of such active military service. The employee shall be compensated as follows: [Amended 7-1-1970 by Ord. No. 37-1970; 11-7-2001 by Ord. No 57-2001]

(1) Reserves. Those employees who are members of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other organization affiliated therewith, during the duration of their active duty shall be entitled to the difference between the employee's military pay and the employee's base pay with the Township.

(2) National Guard. In accordance with N.J.S.A. 38A:4-4, an employee who is called to active duty in the organized militia is entitled to both his/her regular salary and military pay for 90 days in the aggregate over any one calendar year. After 90 days of such leave, members of the National Guard shall be entitled to the difference between the employee's military pay and the employee's base pay with the Township

(3) However, in order that the employee may be reinstated without loss of privileges or seniority, he/she must report for duty with the Township within 90 days following his/her honorable discharge release from such service active duty.

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:

The Township maintains a schedule of twenty-six (26) pay periods. Paychecks are forwarded by the Finance Department to each Department Head on alternate Fridays for distribution by the Supervisors of each work area. If a payday falls on a holiday, paychecks will be distributed on the preceding workday.

An employee on an excused absence may arrange with the Department Head to pick up his/her paycheck on payday.

When an employee's vacation schedule falls within a pay week, he/she may request an advance of the paycheck for that pay period. Employees who wish to take advantage of this benefit must provide four (4) weeks advance notice to their department head. Employees should remind their Supervisor of their desire to receive an advanced vacation paycheck two (2) weeks before going on vacation.

A Paycheck Direct Deposit service is also available to all employees. Forms authorizing the transfer of the employee's entire paycheck directly to his/her bank account each payday are available at the Treasurer's office.

Overtime Compensation Policy:

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. Human Resources 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.

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. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees are entitled to receive 1 ½ times the hourly rate for hours worked in excess of 40 hours in a workweek. However, some employees may be entitled to additional overtime pursuant to their applicable collective bargaining agreement and/or Township policies.

Medical Insurance Policy:

In accordance with the Township Code and/or applicable collective bargaining agreement, eligible employees and their immediate family members are provided health insurance coverage administered by an authorized insurer. The complete benefit plan is on file in Human Resources.

The Health Insurance and Portability Act of 1996 (HIPAA) requires that all new enrollees in the Township Health Care Plan be notified that the Plan contains a pre-existing condition exclusion. This notice will be mailed to all new enrollees and eligible dependents.

A medical insurance co-payment is in effect for employees who are hired after certain dates as designated by collective bargaining agreements and/or Township Code. Co-payment amounts are in accordance with the terms of the employee's collective bargaining agreement and/or Township Code.

Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult Human Resources.

Dental Benefits Policy:

In accordance with the Township Code and/or collective bargaining agreement, the Township currently provides a dental insurance plan which provides coverage for all eligible employees and eligible dependents.

Drug Prescription Benefit Policy:

In accordance with the Township Code and/or collective bargaining agreement, the Township currently provides a prescription drug program for all eligible employees and eligible covered dependents.

Life Insurance Policy:

All regular full-time employees who are covered by the Public Employees Retirement System (PERS) are insured for death benefits in the amount of three (3) times their annual salary. The annual premium payment for this group insurance is shared by the Township and the employee.

In addition to the PERS group life insurance benefit, in accordance with the Township Code and/or collective bargaining agreement, regular full-time employees are insured for death benefits in the amount of ½ of their annual salary not to exceed $50,000. The

annual premium for this insurance is paid by the Township and continues for employees who retire after meeting the age and length-of-service requirements as stated in the Township Code and/or the employee's collective bargaining agreement.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees' Retirement System or the Police and Firemen's 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. Human Resources will prepare an Employee Action form showing any pay or other money owed the employee. Human Resources 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 Township of Wayne covers workers compensation benefits through its membership in a joint insurance fund. 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 and payment for unauthorized medical treatment may not be covered pursuant to the Act. Employees must also assist in the completion of any investigation reports, claim forms, questionnaires and any other documentation required by the Township's Workers Compensation provider.

Modified Duty Policy:

The purpose of the Modified (light) duty option is to allow an injured worker to return to work earlier on a temporary basis. The modified duty time period is used to rehabilitate the injured employee, work conditioning or just allow a healing time before such employee can return to full duty.

Modified duty is a technique used when an individual is unable to perform their regular assignment or possible assignment due to a temporary condition resulting from:

- Recovery from an illness, injury or condition (on or off job).
- Rehabilitation from substance abuse.

Modified duty allows the Township to bring the employee back into a working routine in a controlled, progressive manner, allowing for the appropriate adjustment period.

The physician in each case shall supply the restrictions or limitations to be adhered to during the employee's modified duty period. For consistency each physician will only consider the duties during the employee's regularly scheduled 8-hour period, or in the case of shift work 1st shift. Modified duty periods will occur up to the full 8-hour workday, and up to 5 days per week.

Employees on modified duty will not be called in to work overtime. Those employees must be taken out of the call rotation until the modified duty period ends.

The availability of modified duty is limited and continually changes. Its approval is based on the employee's restrictions, duration of such restrictions, and/or the jobs and projects available. There is no guarantee of modified duty availability. When granted, it is only granted on a temporary basis subject to individual circumstances.

Job related conditions shall be given priority over non-job related conditions for available assignments.

Once an employee is assigned to modified duty they are required to report as assigned.

Modified duty may entail work outside of an employee's normal division or department and may require an employee to work outside of normal work hours.

Employees working on modified duty may use time off as allowed by contract i.e. sick, personal or vacation.

Every effort will be made to prearrange tasks, but the employee may be required to report daily. Any employee on modified duty works strictly at the Township's discretion.

An employee's salary will be adjusted according to contract when such employee has been on modified duty for an extended period of time. (see applicable contract)

After successful completion of modified assignment and/or notice from a treating physician, the worker will be restored to their full time regular position at their previous pay.

Educational Assistance and Training Policy:

A full-time employee may be selected or may request special leave to attend specific courses of study relating to his/her work with the Township. Attendance at conferences, seminars, and/or training sessions, when deemed appropriate by the employee's Department Head, may also be considered eligible activities for paid or partially paid training or educational leave.

Some recommendations for training or educational leave may require the approval of the Business Administrator before being granted.

Employee Assistance Program Policy:

The Township is concerned with the well-being of all our employees. To that end the Township provides an Employee Assistance Program that includes individual, family, group and marital counseling as well as a comprehensive drug and alcohol program. Issues of divorce, stress, family problems, or other issues, can be dealt with through confidential counseling before they become major problems. Contact the EAP Program at 973-694-1234 for information and assistance.

Miscellaneous Policies:

Health Matters:

Employees **must** contact the Human Resources to report the names of any newborn children, children reaching age 23, employee or spouse reaching 65, changes of beneficiaries, deaths in family or any change which would affect their medical or life insurance coverage.
Active employees who reach age 65 and continue employment with the Township should contact their local Social Security office during the seven (7) month period which starts three (3) months before reaching the 65th birthday to discuss enrollment in MEDICARE. Failure to do so may result in late enrollment surcharges under Medicare Part B.

Employee Identification Badges:

All full time employees are required to have, carry and/or display an employee photo identification badge on their person at all times while working or on official Township business. The relevant procedures for this policy are specified at length in the Wayne Township Identification Badge Policy.

Parking Permit Policy:

All employees will be issued one parking permit/tag. Parking for Township employees is provided in the parking lot in front of the Municipal Building. The employee parking area is designated by green striping.

All employee-operated vehicles must be registered with the Township and the parking permit/tag, issued by the Township, must be hung from the inside rear view mirror. Parking permits are available in the Personnel Office. Parking permits/tags are issues for the use of the employee only and are not transferable to other individuals or family members.

Employees working at other township facilities must park their vehicles in areas designated by each Division or Department Head.

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Township of Wayne 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 so, please list such documents and attach hereto.**

_____

_____

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: _____

Receipt for Employee Handbook

I acknowledge that I have received a copy of the Township of Wayne's Employee Handbook. I agree that if there is any policy or provision in the handbook that I do not understand, I will seek clarification from my supervisor, the Business Administrator, or Human Resources. I further understand that if I am a covered member of a collective bargaining agreement and a provision of that collective bargaining agreement conflicts with any provisions of this Employee Handbook, the collective bargaining agreement prevails.

I understand that all information presented to me in this Handbook is subject to change at the discretion of the Township, except as provided by collective bargaining agreement. Changes in any policy or information may be communicated to me by my supervisor, through official notices, memoranda, or bulletin boards. I agree to read all communications regarding these changes.

I further understand that I have an obligation to inform my supervisor or department head of any changes in my personal status; for example, change of address, telephone number, or marital status.

Please sign and date this receipt and return it to Human Resources.

Date: _____

Signature: _____

Print Name: _____

Department: _____