

ORDINANCE 11-2018

**AN ORDINANCE REPEALING THE EXISTING PERSONNEL POLICY
AND PROCEDURES MANUAL AND ADOPTING A NEW PERSONNEL
POLICY PROCEDURES MANUAL, EMPLOYEE HANDBOOK AND
PART-TIME EMPLOYEE HANDBOOK IN THE BOROUGH OF
CLAYTON (PERSONNEL, BOROUGH)**

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey that the existing Personnel Policy and Procedures Manual of the Code of the Borough of Clayton is hereby repealed by the adopting of a new Personnel Policy Procedures Manual, Employee Handbook and Part-Time Employee Handbook as per the attached Manual and Handbooks incorporated herein and made a part of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Municipal Clerk

BOROUGH OF CLAYTON

NOTICE OF INTRODUCTION

ORDINANCE # 11-2018

**AN ORDINANCE REPEALING THE EXISTING PERSONNEL POLICY AND
PROCEDURES MANUAL AND ADOPTING A NEW PERSONNEL POLICY
PROCEDURES MANUAL, EMPLOYEE HANDBOOK AND PART-TIME EMPLOYEE
HANDBOOK IN THE BOROUGH OF CLAYTON
(PERSONNEL, BOROUGH)**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on May 10, 2018 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on May 24, 2018, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION

ORDINANCE # 11-2018

**AN ORDINANCE REPEALING THE EXISTING PERSONNEL POLICY AND PROCEDURES
MANUAL AND ADOPTING A NEW PERSONNEL POLICY PROCEDURES MANUAL,
EMPLOYEE HANDBOOK AND PART-TIME EMPLOYEE HANDBOOK IN THE BOROUGH
OF CLAYTON
(PERSONNEL, BOROUGH)**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on May 24, 2018.

Christine Newcomb
Borough Clerk

BOROUGH OF CLAYTON

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

Adopted August 14, 2008
Amended November, 2010
Amended April, 2012
Amended April, 2014
Amended April, 2016
Amended September, 2016
Amended May, 2018

The Borough of Clayton is an Equal Opportunity Employer, M/F

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

NO ONE 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 BOROUGH COUNCIL. EMPLOYMENT WITH *THE BOROUGH OF CLAYTON* IS AT-WILL AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR THE BOROUGH OF CLAYTON.

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

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GENERAL PERSONNEL POLICY:

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

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

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough Council has appointed the Borough Clerk to assist the Borough Administrator in implementing personnel practices. The Administrator and Borough Clerk shall also have access to the Borough Solicitor appointed by the Borough Council for guidance in personnel matters.

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

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

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

SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy:

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

Americans with Disabilities Act Policy/New Jersey Pregnant Worker's Fairness Act:

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

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

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

All decisions with regard to reasonable accommodation shall be made by the Borough of Clayton. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Clayton to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

Americans with Disabilities Act Grievance Procedure:

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Borough. The Borough's Employee Complaint Procedure governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the Borough of Clayton, ATTN: ADA Coordinator, 125 North Delsea Drive, Clayton, New Jersey, 08312.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator (or the Coordinator's designee) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator (or the Coordinator's designee) will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Borough and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator (or the Coordinator's designee) does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Borough Administrator (or Administrator's designee).

Within 15 calendar days after receipt of the appeal, the Administrator (or Administrator's designee) will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Administrator (or Administrator's designee) will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator (or Coordinator's designee), appeals to the Administrator (or Administrator's designee), and responses from these two offices will be retained by the Borough for at least three years.

Attached to the Personnel Policy is a notice concerning relevant provisions of the ADA for all persons who may be interested in the Borough's programs, activities, and services.

Contagious or Life Threatening Illnesses Policy:

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

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

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

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

Safety Policy:

The Borough will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety

equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Borough facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

The Borough is equally concerned about the safety of the public. As such, the Borough has adopted a Motor Vehicle Records (MVR) policy that is included in this Manual.

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

Drugs and Alcohol Policy:

The Borough recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises or during work hours by employees are strictly prohibited.

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

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government, including but not limited to the US Department of Transportation requirements.

Employees using prescription drugs that may affect job performance or safety must notify the Administrator, Borough Clerk or Department Head who is required to maintain the

confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act.

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

Workplace Violence Policy:

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

Prohibited conduct includes:

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

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

General Anti-Harassment Policy:

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV

infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal, written, printed or physical conduct.

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

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

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

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

Anti-Sexual Harassment Policy:

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Borough prohibits sexual harassment from occurring in the workplace or at any other location at which Borough sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Regarding unwelcome sexual advances towards non-employees, requests for sexual favors and other verbal, physical, or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.

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

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

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

“Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in

violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read and understood this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

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

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

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

Employee Complaint Policy:

Employees who observe actions they believe to constitute sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, or if they prefer,

or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Borough Administrator, the Borough Clerk or the Borough Solicitor. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the reporting of an incident.

Grievance Policy:

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

AGGRIEVED PERSON – The person or persons making the complaint.

GRIEVANCE – A complaint by a borough employee based upon the interpretation, application, or violation of the rules and regulations or supervisory decisions affecting him or her. A grievance must be initiated within three working days of its occurrence in order to be considered.

B. Procedure.

- (1) The purpose of this procedure is to secure solutions to problems as soon as possible. The number of days, therefore, at each level should be considered

the maximum number, and every effort should be made to resolve the problem sooner if feasible.

- (2) Level 1. Any borough employee who has a grievance shall discuss it first with his or her immediate supervisor in an attempt to resolve the matter.
- (3) Level 2. If as a result of the discussion the matter is not resolved to the satisfaction of the employee within three working days, he/she shall put the grievance in writing and hand it to his immediate supervisor specifying the nature of the problem; the results of previous decisions and/or discussions; and the date of the initial problem. The immediate supervisor shall communicate his decision in writing, to the aggrieved person within three working days.
- (4) Level 3. If the aggrieved person is not satisfied with the decision at Level 2, he or she may appeal to the department head. All written communications must be forwarded to the department head. The following shall apply:
 - (a) The aggrieved person has three days after Level 2 to appeal the supervisor's decision.
 - (b) The aggrieved person and the supervisor must forward all previous written communications immediately upon initiation to Level 3.
 - (c) The department head will act with his Council-appointed committee to render a decision within three working days upon receiving the written communications. The decision by the committee and handed down by the department head in writing, is final and binding on all parties involved.

C. Miscellaneous provisions.

- (5) All hearings or meetings that may be held under this procedure shall come under the Sunshine Law and not be conducted in public.
- (6) Failure at any level of this procedure to appeal a grievance shall mean acceptance of the decision at that level.

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

Access to Personnel Files Policy:

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

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

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

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

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

Conflict of Interest Policy:

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

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

Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.

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

Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

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

Political Activity Policy:

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

Employee Evaluation Policy:

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. 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 Administrator. After review by the Administrator, the form(s) are to be forwarded to the Borough Clerk 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 Administrator or Borough Clerk.

Employee Discipline Policy:

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

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and visitors.
- Theft or attempted theft of property belonging to the Borough, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Borough property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough or suppliers' property.

- Sleeping on the job.
- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on Borough premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Borough rules or policies.
- Conduct unbecoming a public employee.
- Violation of Borough policies, procedures and regulations.
- Violation of Federal, State or Borough laws, rules or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet and email.
- Other sufficient cause.

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

In cases of employee misconduct, the Borough believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Administrator review; written reprimand; suspension; fines, and, dismissal. At the discretion of Borough Council, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Neither this manual nor any other Borough guidelines, policies or practices create an employment contract. Employment with Borough may be terminated at any time with or without cause or reason by the employee or Borough.

Resignation Policy:

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

Work Force Reduction Policy:

The Borough of Clayton may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees will be determined by the Administrator.

SECTION TWO

Workplace Policies:

Job Description Policy:

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

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. The normal working hours for administrative departments are 8:00 AM to 4:00 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Early Closing and Delayed Opening Policy:

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

Breaks:

Administrative personnel are entitled to a one (1) hour lunch that is to be arranged by the supervisor so that offices continue to function. Other employees are entitled to a one (1) hour lunch break, which will be scheduled by the supervisor. All employees are entitled to a fifteen (15) minute break in the morning and in the afternoon. Administrative personnel must arrange breaks so that offices continue to function. Breaks for other employees will be scheduled by the supervisor.

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. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Administrator, the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

No Smoking 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 Borough has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and such locations as not to allow the re-entry of smoke into building entrances. Borough vehicles shall be smoke-free and no employee or visitor will be permitted to smoke in any Borough vehicle. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

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

Vehicles may be taken home only with the advance approval of the Administrator except a Mayor or CFO may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business; any other use is not permitted. At no time shall children be in the borough vehicles when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

MOTOR VEHICLE RECORDS (MVRs) POLICY:

The Borough is committed to providing a safe work environment. The Borough is equally concerned about the safety of the public. Consistent with these principles, the Borough will conduct a review of Motor Vehicle Records (MVRs), at a minimum on a yearly basis, for all employees who drive Borough vehicles or their own personal vehicles in conducting work activities or Borough business. In addition, the Borough will conduct an MVR check on a job candidate who is offered employment with the Borough prior to, and as a condition of, the candidate beginning work at the Borough.

Any employee who is required to drive a Borough vehicle in order to carry out his or her work duties must have valid driver's license, with the proper class (es) and endorsements required for his or her position. If an employee's license becomes suspended or revoked, the employee must immediately report it to his or her supervisor. Failure to do so will result in disciplinary action up to and including termination.

The Borough will review Motor Vehicle Records, at least once a year, for current employees who drive Borough vehicles and prospective employees who have been offered positions with the Borough to assess their status as outlined below. The results will be kept confidential.

ACCEPTABLE

The Borough determines an individual is eligible to drive a Borough vehicle while conducting Borough business if:

- 1) his or her license is valid; and
- 2) his or her driving record indicates:
 - a) not more than two moving violation in the past 12 months and not more than three in 24 months; and
 - b) not more than one "at fault" accident in the past 24 months in which there was not bodily injury.

UNACCEPTABLE

The Borough determines an individual is ineligible to drive a Borough vehicle while conducting Borough business if any of the following are discovered during an MVR check:

- 1) the employee does not have a valid driving license (non-renewed, suspended or revoked).
- 2) the employee has been in one or more "at fault" accidents in which there was bodily injury in the past 24 months.

If the results from a MVR check of a current employee, who is required to drive to accomplish his or her job functions, determine the employee's status to be unacceptable, the employee may be disciplined.

POTENTIAL EMPLOYEES – New Hires

As part of its post-offer conditional background checks, the Borough will run an MVR check for any job applicant offered employment for any position that involves driving a Borough vehicle. The applicant shall not have a driving record which shows any of the following violations:

- Suspended or revoked license.
- Three or more moving violations in the past 24 months.
- Driving under the influence (alcohol, controlled substances, etc.) within the past 24 months.
- An “at fault” accident within the last 24 months.
- Leaving the scene of an accident within the past 24 months.
- Reckless driving within the past 24 months.
- At fault in an accident resulting in fatality or serious injury within the past five years.
- At fault in an accident with other compelling reasons.
- Any other aspect of the candidate’s driving record which, in the discretion of the Borough, renders the candidate unfit for employment.

The Borough will rescind an offer of employment to any applicant who is found to have any of the violations of the type outlined above, who does not have a valid driver’s license, or whose driving history reveals other circumstances that the Borough deems unacceptable.

Telephone Usage Policy:

Borough telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough. The use of hand-held cell phones while driving Borough vehicles or while driving on Borough business is prohibited.

Communication Media Policy:*

The Borough’s Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposed of this Communication Media Police, “Communication Media” includes all electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a borough business purpose, regardless of who creates, processes or maintains the data or whether the data is processed manually or through any of the borough’s mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the borough’s local or wide-

area networks. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.

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

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

Employees can only use the borough's Communication Media for legitimate business purposes. Employees may not use the borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression. Generic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

All employees may access only data for which the borough has given permission. All employees must take appropriate actions to ensure that borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

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

Employees may not install *or Modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof. Without the express written permission from the borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the borough, or licensed to the borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life re expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Administrator may engage in social media activity during work time through the use of the borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Administrator. Except in "emergency situations". "Employees are prohibited from taking digital photographs with media equipment not owned by the borough. For the purposes of this sections, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the borough's Communication Media. If such situation occurs, employee agrees that any images belong to the borough and agree to release the image to the borough and ensure its permanent deletion from media device upon direction from the borough.

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

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

No media advertisement, electronic bulletin board posting, or any other ~~posting~~ communication accessible via the Internet about the borough or on behalf of the borough, whether through the use of the borough's Communication Media or otherwise, may be issued unless it has first been approved by the Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the borough. Such unauthorized communications may result in disciplinary action.

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

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

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

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as borough employees, or if they discuss matters related to the borough on a social media site. If employees choose to identify themselves

as a borough employees on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the borough, as such no employee shall knowingly represent themselves as a spokesperson of the borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the borough expresses views that are detrimental to the borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as borough employees. Employees must keep in mind that, if they post information on a social media site that is in violation of borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Borough employees have the right to engage in or refrain from such activities.

Video Surveillance

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

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

No employee is permitted to view, continually watch, search, copy or otherwise use of the borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems with (1) a special legitimate purpose and (2) permission for the designee of the borough.

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

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

Bulletin Board Policy:

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

Employee Dating Policy:

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

To try to achieve a balance between employee rights and workplace needs, the borough has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

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

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

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

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

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 cover these issues.

Paid Holiday Policy:

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Floater Day (to be agreed upon with Government Workers Union members)
- Veterans 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.

Vacation Leave Policy:

(1) Employees shall be entitled to the following annual vacation benefits, with pay, the scheduling of which must be approved by the Borough Administrator in order to provide for the efficient operation of the borough business:

- (a) 6 months through 1 year of service, one week.
- (b) Beginning 1 year through 4 years of service, two weeks.
- (c) Beginning 5 years through 9 years of service, three weeks.
- (d) Beginning 10 years through 14 years of service, four weeks.
- (e) Beginning 15 years through 19 years of service, five weeks.
- (f) Beginning 20 through 25 years of service, six weeks.
- (g) Beginning 25 years of service, seven weeks.

- (2) Employees may not carry over vacation days from year to year.
- (3) Upon termination of employment, an employee shall receive payment for all vacation leave not used in the current year.
- (4) Whenever an employee dies having to his/her credit any vacation leave, there shall be paid to his/her estate a sum of money equal to the amount of vacation leave owed in the current year.
- (5) Employees may sell back to the borough up to 10 days of unused vacation time.
- (6) You must work or be paid to earn vacation. Time absent without pay will reduce vacation days. Time off with pay greater than 20 days will also reduce the number of vacation days.
- (7) Supervisors are responsible for so allocating individual vacation days or weeks that the activities of the Borough will be carried on with a minimum of delay or inconvenience. Insofar as is possible, the employee with the longest continuous service shall have preference in the assignment of vacation periods. To guarantee a particular week(s), the vacation request must be made by March 1.
- (8) As it is the policy of the Borough that all employees receive the maximum benefit from the vacation, not over five days of vacation can be taken on the basis of one or two days at a time.
- (9) Unless specifically authorized by the proper Borough Council committee, in advance, extra compensation or carry-over will not be allowed in lieu of unused vacation, as it is desired that each employee take advantage of the authorized annual vacation period for health, rest, relaxation and pleasure. This section does not apply to an employee who resigns or dies. Any vacations approved for carry-over must be taken before March 31 of the next year.

Sick Leave Policy:

- A. Sick leave with pay will not be allowed under the following conditions:
 - (1) Sick leave with pay will not be allowed if the employee, when under medical care, does not carry out orders of the attending physician or if, in the opinion of the Borough medical physician, the disability or illness is not sufficient severity to warrant the employee's absence from duty. No employee, while on sick leave from pay from the Borough, shall be elsewhere (out of town, unless approved by the department head) or otherwise employed or engaged in any outside employment whatsoever.
 - (2) One-half day shall be the smallest unit considered in computing sick leave pay.

B. In all cases of reported illness or disability, the Borough reserves the right to send a visiting nurse or Borough medical examiner to examine and report on the condition of the patient to the Borough Council.

C. Every absence on account of illness or disability in excess of three working days must be certified by a written statement from the attending physician. The Borough may require the employee to be examined by a medical doctor and certified as fit for duty before returning to work.

D. In case of pregnancy, a doctor's letter stating the employee's ability to work and duration of employment must be presented to the Borough Clerk commencing on or about the 6th month of pregnancy. Also, any employee on leave of absence due to pregnancy shall not be permitted to return to work until the postpartum examination has been completed and a letter from the doctor is presented to the Borough Clerk stating that the employee is able to commence work.

E. Sick time is intended to be used for an employee's own illness or to care for an immediate family member who is sick. Sick time may also be used to maintain health through either sick or wellness appointments with a physician. An employee may be required to provide a doctor's note upon his or her supervisor's request.

F. An employee who is disabled through illness or injury other than injury covered by workmen's compensation may be granted the following benefits: from the date of hire up to December 31, ½ working day per month; each year thereafter, 12 working days per year. An illness entitling an employee to the above benefits shall be defined as eight calendar days of continuous absence from employment.

G. An employee must return to duty for a minimum of six months before he can be granted another disability leave. The Borough Council can waive this requirement by resolution.

H. Special consideration.

- (1) In the event that an employee has used all of his sick time, the Borough Council can, on a monthly basis by resolution, grant up to an additional six months of disability leave at ½ pay.
- (2) Any amount of salary paid to the employee because of a special leave of absence granted shall be reduced by the amount of workmen's compensation made for temporary disability because of the same illness or injury requiring such leave.

I. An employee returning to work after a sick leave who has been docked the required number of days will not be docked again if he reports out with the same illness before a full three days at work. Medical verification may be required.

- J. One day of accumulated sick leave may be sold back to the Borough as follows:
- (1) Upon retirement, any employee may sell back to the Borough; at his/her current rate of pay, any unused days at the rate of one day for one day. Employees must be eligible for state retirement to qualify under this section.
 - (2) Upon termination of employment for any reason not listed in Subsection J(1), an employee may sell back any unused sick days at the rate of three sick days for one day's current pay rate.
 - (3) If an employee is laid off for any reason, the employee may sell back any unused sick days at the rate of one (1) sick day for one (1) day's current pay.

Bereavement Leave Policy:

- A. In the event of death in an employee's immediate family, the employee shall be granted time off without loss of regular pay of five consecutive days.
- B. The term "immediate family" shall include mother, father, spouse or significant other, civil union partner, mother-in-law, father-in-law, children, parental guardians, brother, sister, grandmother, grandfather, grandchildren, sister-in-law and brother-in-law.
- C. Employees shall be granted one day with pay in the event of a death of the following relatives: aunt, uncle, first cousin, niece and nephew.

Jury Duty Policy:

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

Leave of Absence Policy:

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

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

Family and Medical Leave Act Policy:

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

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

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

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

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

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

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

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

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

- 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
 4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

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

Domestic Violence Leave:

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

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

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

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

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

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

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

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

Military Leave Policy:

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the

first ninety (90) days. (Thereafter, the leave shall be without pay but without loss of time.) or (Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary.) The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

SECTION FOUR

Compensation & Employee Benefits Policies:

Scope:

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

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two weeks. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

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

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the provisions of the Act. The Borough Clerk 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. Time off consideration for large amounts of additional hours may be provided with the Borough Administrator's prior approval and at the sole discretion of the Borough Administrator.

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 Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty. Once this maximum has been accumulated, all additional hours will be compensated by

overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours. If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of 1 ½ hours for each hour worked less the number of hours of overtime compensation received under any other provision of the policy. If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation of the greater of (1) 1 ½ hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.

Employees must make a request to their supervisor at least two days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

Health Insurance Policy:

- A. All full-time employees will be entitled to medical coverage as currently provided through the New Jersey State Health Insurance Plan.
- B. All full-time employees will be entitled to vision and eyeglass care coverage as currently provided by the Borough of Clayton.
- C. All full-time employees will be entitled to prescription coverage as currently provided by the Borough.
- D. All full-time employees will be entitled to dental benefits as currently provided by the Borough.

Workers Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Borough 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.

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

Timesheets:

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

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

Payment for Accumulated Absence:

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the borough shall only make such payment if the chief financial officer or Executive Director certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper Documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

Conference and Seminar Policy:

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

Flexible Spending Account:

The Borough does provide for employees to enroll for flexible spending accounts.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator 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.

Union/nonunion and management rights and benefits:

All of the provisions provided for in this personnel policy shall be applicable to all full-time (i.e., anyone working 35 or more hours per week) union, nonunion and managerial employees of the Borough of Clayton.

SECTION FIVE:

Employment Procedure:

- **Recruitment:** The Borough Administrator in conjunction with the Borough Clerk will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law (including New Jersey Department of Personnel regulations if the position is subject to Civil Service.) Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Clayton is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law. The Borough Council must formally approve the creation of any new position and authorize the filling of it, prior to the initiation of action to do so. In addition, there must be provided in the proper current budget account specific and adequate funds to compensate the appointee.
- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Borough will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and

are to be maintained by the Borough Clerk separate from the employee's official personnel file. Medical exams may include tests for drugs and alcohol use.

- **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this ordinance entitled "Background Checks and Procedures for Candidates, Employees, and Volunteers".
- **Job Offers:** The final decision will be made by the Borough Council after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Borough Council will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

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

- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Clerk. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.
- **Probationary Period:** All new employees are on probation during the first six months of employment. During this period their work, ability, attitude and potential value to the Borough are carefully studied by the supervisor, and the results will be discussed with the employee by means of a written or oral performance review which is held each month. If for any reason, on or before the end of the six-month period, it is determined that an employee is not suited for the job for which he was hired, employment will be terminated.
- **Driver's License:** All personnel who may drive a Borough vehicle at anytime must have a valid driver's license. Department heads are to check every January and July to verify the status of the driver's license. Anyone who drives an emergency vehicle can carry no more than three points. Anyone who has their

license revoked must notify their supervisor immediately. In certain Borough positions (i.e. highway, park and recreation and water and sewer), the securing of a CDL license may be a requirement for continued employment. The securing of the CDL shall be on the employee's time and at their expense. The respective department heads will determine which positions will require a CDL license.

- **Rehiring:** Any former employee of the Borough who is rehired after leaving the Borough's employment shall have the prior employment time counted, subject to the following conditions:

- (1) The employee must have left Borough employment of his own volition.
- (2) Before the benefit herein provided shall take effect, the employee must have been back in the Borough's employment for one full year.
- (3) An employee who has been a part-time employee shall receive credit for prior employment on a pro rata basis, determined by the following formula:

$$\frac{WE}{54} \times \frac{HW}{40} = WPS$$

Where:

WE = Number of full weeks' previous service.

HW = Hours per week worked.

WPS = Weeks of prior service to be credited to the employee.

- (4) Seniority shall not be granted for prior service.
- (5) Prior employment time counted shall apply to vacation time only.

Background Checks and Procedures for Candidates, Employees, and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years. The exact titles of employees subject to background checks are include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs.
- **Background check procedure:** The Clerk will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Clerk will discuss disqualifying information received with the employee's or volunteer's department head or the Administrator. Written information received

as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Administrator.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

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

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of the Administrator, Police Chief or (or his designated superior officer), and the Clerk.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Clerk. The Notice

of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

Nepotism Procedure: (if any)

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;

- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes 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.

Open Public Meetings Act Procedure concerning Personnel Matters:

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

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

Processing and Orientation of New Employees Procedure:

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

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;

- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

Initial Employment Period Procedure:

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less than six months or more than twelve months, as determined by the Borough Administrator. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Borough Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the initial employment period. (Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.)

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

Employee Handbook Procedure:

The Borough Clerk with the assistance of the Borough Solicitor shall draft an Employee Handbook for the approval of the Borough Administrator. A separate version of the Handbook will be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Performance Evaluation Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record. This is a legal document that is discoverable in lawsuits.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.

- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

Outstanding means exceptional performance in all areas of responsibility. Planned objectives were achieved well above the established standards and accomplishments were made in unexpected areas.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be forwarded to the Borough Clerk 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 Borough Administrator or Borough Clerk.

Disciplinary Action Procedure:

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

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

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Borough Clerk for the employee's official personnel file.
- **Borough Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Borough Clerk for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Borough Administrator will make the decision and may seek the advice of the Borough Solicitor if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough Council will make the decision only after seeking the advice of the Borough Solicitor. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

Personnel File Procedure:

The official personnel files shall be maintained by the Borough Clerk and employee medical information will be maintained in a separate file. At least annually, the Borough Clerk will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall include at least the following:

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

Employee Complaint Investigation Procedure:

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

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor, Department Head, Borough Clerk or Borough Solicitor must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** The Borough Administrator will seek the advice of the Borough Solicitor when planning the investigation. The investigation should be conducted by the Borough Solicitor or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions with the Borough Solicitor and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of

the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate with the advise of the Borough Solicitor a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Borough Clerk. No employee may issue a reference letter without the permission of the Borough Clerk. Under no circumstances should any information be released over the phone.

In response to a request for information, the Borough Clerk will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.

Continuing Education Procedure:

The Borough, in conjunction with the Borough Solicitor will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

Union/nonunion and management rights and benefits:

All of the provisions provided for in this personnel policy shall be applicable to all full-time (i.e., anyone working 35 or more hours per week) union, nonunion and managerial employees of the Borough of Clayton.

SECTION SIX:

Model Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Borough of Clayton Employee Complaint Form
- Borough of Clayton Employment Application
- Voluntary Affirmative Action Information
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Borough of Clayton Counseling Action Plan
- Borough of Clayton Employee Evaluation Checklist

(Borough of Clayton Letterhead)

NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

This is to notify you, pursuant to the Open Public Meeting Act, that the Borough Council plans to discuss the subject matter(s) checked below relating to your employment.

- ☐ Application for Employment
- ☐ Promotion or Transfer
- ☐ Compensation
- ☐ Performance Evaluation
- ☐ Special Leave Request
- ☐ Grievance
- ☐ Discipline
- ☐ Possible Termination
- ☐ Other (Specify): _____

The discussion will take place at the following meeting(s):

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the Borough Council Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____ Signed: _____ (Title): _____

Employee Complaint Policy

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

You also have the right to:

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

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

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

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

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

I hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

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

Borough of Clayton Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ **DEPARTMENT:** _____

TITLE: _____ **SUPERVISOR:** _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Clayton
125 N. Delsea Drive, Clayton, NJ 08312

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

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

Social Security Number: _____ - _____ - _____

Position applied for: _____

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

Date you can start: _____ Salary desired: _____

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

Are you currently employed: ____ Yes ____ No

May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

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

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

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

Please list any endorsements: _____

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

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

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

I understand that any offer of employment would be conditional upon the results of a criminal background check. Yes ____ No ____

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

Employment History: This section must be completed even if you attach a resume. List your last four employers and major assignments with the same employer, beginning with the most recent (include any military service). Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

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

Comments:

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

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

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

Language:	Speak Some:	Speak Fluently:	Read:	Write:

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

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

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

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

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

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

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

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

Applicant Information:

Name: _____
Address: _____
City/town: _____
Phone: (): _____

Position Applied For: _____

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

Information Regarding Status:

Gender:

 Male
 Female

Equal Employment Opportunity identification groups:

 White
 African-American (non-Hispanic)
 Hispanic
 American Indian/Alaskan native
 Asian/Pacific Islander
 Other _____

Other protected Groups:

 Individual with a disability
 Vietnam-era veteran (served between 1964 and 1975)
 Disabled veteran

For Borough use only

Hired: Yes No Position _____ Date _____
Which EEO job classification best describes the position for which the applicant applied?
1. Officials and Managers 4. Sales workers 7. Operators(semi-skilled)
2. Professionals 5. Office and clerical workers 8. Laborers (unskilled)
3. Technicians 6. Craft workers (skilled) 9. Service workers
Borough Official _____ Date _____

This page for Borough use only!

Results of interview

Interviewer: _____

Date: _____ **Time:** _____

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

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

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Organizations	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
References	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
Sex and Marital Status	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation	
Arrest and Conviction Record	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job
Height and Weight	Any inquiry into height or weight of applicant	
Physical Disabilities	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in question involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
Education	Whether or not the applicant is a high school graduate	a) Show highest grade completed b) Detail your educational background

BOROUGH OF CLAYTON PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

PRESENT REVIEW DATE: _____ LAST REVIEW DATE: _____ TIME IN POSITION (YRS): _____

Comments and/or examples are required for ratings of 1, 2, 4 and 5. Use the Comments section to note goals being appraised and to provide future goals.

Overall Rating (circle)**1 – Does not meet minimum standards 2 – Needs Improvement 3 – Meets Job Requirements 4 – Exceeds Expectations 5 – Outstanding****TRAINING/ JOB KNOWLEDGE: Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.**

- | | | | | |
|---|--|--|--|---|
| <input type="checkbox"/> Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job. | <input type="checkbox"/> New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge. | <input type="checkbox"/> Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job. | <input type="checkbox"/> Is an expert in the job. Serves as the 'go to' person when an unusual or unique situation arises. | <input type="checkbox"/> Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations. |
|---|--|--|--|---|

Comments: _____

PERFORMANCE: Consider dependability, communication skills, and the quality and quantity of work based on established standards.

- | | | | | |
|--|---|--|--|---|
| <input type="checkbox"/> Frequently damages government property and/or equipment. Work not up to expectations. | <input type="checkbox"/> Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected. | <input type="checkbox"/> Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors. | <input type="checkbox"/> Job output is usually well above job standards rarely requires revision. Can be viewed as the role model for new employees. | <input type="checkbox"/> Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible. |
|--|---|--|--|---|

Comments: _____

WORK CONDUCT: Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.

- | | | | | |
|---|---|---|--|--|
| <input type="checkbox"/> Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers. | <input type="checkbox"/> Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner. | <input type="checkbox"/> Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code. | <input type="checkbox"/> Consistent positive methods and behaviors, which translates into quality work. Has pride in work. | <input type="checkbox"/> Constantly receives positive feedback from co-workers and community. Enthusiastic, self-motivated and influences others in positive manner. |
|---|---|---|--|--|

Comments: _____

COOPERATION: Consider teamwork or the ability to work with others in a cooperative and productive manner.

- | | | | | |
|--|---|---|--|---|
| <input type="checkbox"/> Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances. | <input type="checkbox"/> Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others. | <input type="checkbox"/> Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed. | <input type="checkbox"/> Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. | <input type="checkbox"/> Always takes initiative to help others. Fosters a sense of teamwork. Sensitive to others' point of view. |
|--|---|---|--|---|

Comments: _____

SAFETY: Consider the respect shown for self, co-workers and public.

- | | | | | |
|---|---|--|--|--|
| <input type="checkbox"/> Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions. | <input type="checkbox"/> Sometimes disregards safety procedures or misuses equipment. | <input type="checkbox"/> Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards. | <input type="checkbox"/> Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. | <input type="checkbox"/> Anticipates and constantly avoids safety hazards in work group; suggests safety improvements. |
|---|---|--|--|--|

Comments: _____

CUSTOMER SERVICE: Consider responsiveness to the public's needs and requests.

- | | | | | |
|--|---|--|---|---|
| <input type="checkbox"/> Responds inappropriately to questions, requests, or situations. | <input type="checkbox"/> Occasionally does not respond tactfully or completely. | <input type="checkbox"/> Exhibits courtesy and tact. Answers questions or refers to the appropriate party. | <input type="checkbox"/> Provides extra attention by explaining procedures whenever possible. Deals effectively with citizenry. | <input type="checkbox"/> Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information. |
|--|---|--|---|---|

Comments:

JUDGMENT: Consider ability to produce quality work in a cost conscious manner without needing guidance from manager.

- | | | | | |
|--|---|--|---|--|
| <input type="checkbox"/> Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision. | <input type="checkbox"/> Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems. | <input type="checkbox"/> Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes. | <input type="checkbox"/> Always understands instructions the first time. Actively seeks information before making a decision. | <input type="checkbox"/> Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information. |
|--|---|--|---|--|

Comments:

ATTENDANCE: Consider absenteeism and punctuality.

- | | | | | |
|---|---|--|--|---|
| <input type="checkbox"/> Frequently arrives to work late. Excessive absenteeism beyond allotted time. | <input type="checkbox"/> Occasionally arrives late. Uses nearly all allotted sick time each year. | <input type="checkbox"/> Always arrives on time. Takes an average amount of sick time. | <input type="checkbox"/> Occasionally arrives early. Uses sick time sparingly. | <input type="checkbox"/> Always arrives before shift begins. Rarely absent. |
|---|---|--|--|---|

Comments:

VOLUNTEER: Consider willingness to volunteer at work and in the community.

- | | | | | |
|--|---|--|--|---|
| <input type="checkbox"/> Never volunteers to help. Puts down others who do volunteer work. | <input type="checkbox"/> Usually not interested in volunteering for projects, teams, etc. | <input type="checkbox"/> Willing to volunteer if asked to volunteer. | <input type="checkbox"/> Actively seeks opportunities to volunteer at both work or in the community. | <input type="checkbox"/> Constantly volunteers and takes leadership roles on various projects or organizations. |
|--|---|--|--|---|

Comments:

DIRECTING WORK: Consider planning, organizing, problem solving, leadership, and supervisory skills.

Does this person have supervisory responsibilities?

- ☐ All the time as part of job requirement.
☐ Supervises on an as needed basis.

- | | | | | |
|--|---|---|---|--|
| <input type="checkbox"/> Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly. | <input type="checkbox"/> New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor. | <input type="checkbox"/> Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example. | <input type="checkbox"/> Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems. | <input type="checkbox"/> Constantly takes initiative to develop employees. Always supports employees. Anticipates changes in workload and develops plans to meet changing needs. |
|--|---|---|---|--|

Comments:

EMPLOYEE COMMENTS:

I have reviewed the appraisal and discussed its contents with my supervisor.

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR SIGNATURE: _____ DATE: _____

BOROUGH OF CLAYTON COUNSELING ACTION PLAN

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____ POSITION: _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a ☐ *verbal*, ☐ *written*, ☐ *final* meeting with this employee concerning this matter.

State the reason for the counseling session:

Employee's performance is not acceptable for the following specific reasons:

Employee must achieve the following goals in order to reach acceptable standards:

Employee should reach these goals by:

☐ Immediately

☐ Employee is on a probationary status and will be re-evaluated on _____

☐ Employee is Suspended: Dates: _____

Consequences of failure to improve or achieve goals:

☐ May result in further disciplinary action, up to and including termination.

☐ Termination.

Employee's Comments:

I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.

Employee Signature:

Date: _____

Department Head Signature:

Date: _____

Borough Administrator Signature:

Date: _____

BOROUGH OF CLAYTON EMPLOYEE EVALUATION CHECKLIST

☐ **BE PREPARED**

- Know the objectives and goals of the meeting.

☐ **TIME AND PLACE**

- Choose a quiet, private spot with as few interruptions as possible.

☐ **CONDUCTING THE INTERVIEW**

- Create a positive environment and help the employee feel at ease.
- Give balanced feedback, both positive and negative, but start with the positive.
- Focus on the job, NOT the person.
- Ask questions and allow the employee to provide feedback.
- When discussing areas for improvement, discuss methods and objectives for improving.
- Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

☐ **CONCLUSION**

- Summarize and review the important points of the discussion.
- Restate the action steps that have been recommended and provide a time frame for completion.
- Make sure employee reviews the appraisal and provides comments.
- Have employee sign the acknowledgement that the employee has read the appraisal (does not signify agreement with the content).

☐ **FOLLOW-UP**

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the Borough of Clayton will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The Borough of Clayton does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The Borough of Clayton will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Borough's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The Borough of Clayton will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Borough offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Borough of Clayton, should contact the office of the ADA Coordinator, 125 North Delsea Drive, Clayton, New Jersey 08312 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the Borough to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of the Borough is not accessible to persons with disabilities should be directed to the ADA Coordinator, 125 North Delsea Drive, Clayton, New Jersey 08312.

The Borough will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

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