

BERNARDS TOWNSHIP



CHARTERED 1760

2024 EMPLOYEE HANDBOOK OF PERSONNEL POLICIES & PROCEDURES (FULL-TIME / PART-TIME / SEASONAL / TEMPORARY EMPLOYEES)

**ADMINISTRATION OFFICE
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AMENDED & ADOPTED: JANUARY 2, 2024

DISCLAIMER OF EMPLOYMENT CONTRACT & AT-WILL STATEMENT

Bernards Township has prepared this Employee Handbook to summarize the current policies, procedures and benefit programs for the employees of Bernards Township. Since every circumstance or question about policy cannot be anticipated, the provisions outlined in this handbook are intended as guidelines only. The Township reserves the right to change, delete, suspend, discontinue or add to any policies or portion of this Handbook at any time as it deems appropriate, in its sole and absolute discretion with or without prior notice to employees. Any such action shall apply to existing as well as future employees. You should be aware that these policies, procedures, benefits and guidelines may be changed at any time, and that depending upon the circumstances of a given situation, Bernards Township's actions may vary from the provisions of this Handbook.

Except where otherwise provided by a collective negotiations agreement or statute, employment with Bernards Township is **AT-WILL**, which means that it is for no definitive period, and may be terminated by either the employee or the Township at any time with or without cause, prior notice or procedural requirements, for any reason not expressly prohibited by law. Any exception must be expressly authorized and signed by an authorized representative of Bernards Township. Neither this Handbook, nor any Township policy, procedure nor communication (with the exception of the Township's collective negotiations agreements) shall create any right for any employee or guarantee employment for any period. No representative of the Township may enter into any agreement or make any representations to alter an employee's at-will status or otherwise create a contractual obligation. Only the Township Committee may enter into binding commitments, and only when such commitments are in writing and are adopted by the Township Committee pursuant to state law.

This Handbook supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that Bernards Township will comply with all federal, state and local laws. Should any provision in this Handbook be found to be unenforceable and/or invalid, such finding does not invalidate the entire Handbook, but only the subject provision. The applicable policies in this Handbook shall apply in equal force not only to full-time employees of Bernards Township but also to part-time, seasonal and temporary employees of Bernards Township.

****All employees will be notified when any material changes are made to the policies contained in this Handbook.**



TOWNSHIP OF BERNARDS

A MESSAGE FROM THE TOWNSHIP COMMITTEE

The public expects that its business will be conducted to the highest professional and ethical standards.

As a Township employee, you have certain rights and obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest.

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

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

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

All employees receiving this Handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained electronically in the Township’s training system.

The Bernards Township Committee



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GENERAL PERSONNEL POLICY

It is the policy of the Township to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township shall apply to all employees, volunteers, elected or appointed officials. In the event there is a conflict between these policies and procedures and any collective negotiations 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 regular employees, officers and Department Heads shall be appointed and promoted by the Township Committee. Employees, officers and Department Heads for the Library, Health Department and Sewerage Authority shall be appointed and promoted by their respective Boards. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Committee as well as the necessary budget appropriation and salary ordinance.

The Township Administrator and all managerial/supervisory personnel are responsible for administration of these personnel policies and procedures. The Township Committee has appointed the Human Resources Officer to assist the Township Administrator in implementing these personnel practices.

The Township has a "no tolerance" policy toward workplace wrongdoing. Township officials, employees and volunteers are to report anything perceived to be improper to their Supervisor, the Human Resources Officer or the Township Administrator. The Township believes strongly in an Open-Door Policy and encourages employees to talk with their Supervisor, Department Head, Township Administrator, or the Human Resources Officer concerning any issue in the workplace.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

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

Accordingly, decisions regarding recruitment, selection, hiring, promotion, transfer, demotion, layoff, recall, termination, rates of pay and other forms of compensation, selection for training and special assignments are based solely on the qualifications and performance of the employee or prospective employee. All levels of management, through day-to-day actions, shall ensure the full integration of all employees into the workforce in all occupations and at all levels regardless of the employee's sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, pregnancy, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law. Bernards Township is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Bernards Township expects that all relationships among persons in the workplace will be free of bias,

prejudice and harassment. The Township will not tolerate discrimination or harassment of or by Township employees towards anyone, including any supervisor, co-worker, vendor or citizen.

Employees and prospective employees are encouraged to report any instance of alleged discrimination or harassment by members of the public, vendors or other employees of Bernards Township. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, Human Resources Officer, Township Administrator, or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment in this Handbook. All inquiries and reports of discrimination should be directed to the Human resources office or the Township Administrator.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of management through the complaint procedure set forth in the Policy Against Harassment in the Handbook.

EMPLOYEES WITH DISABILITIES

Bernards Township is committed to compliance with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Township will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. Bernards Township will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided the accommodations do not require an undue burden or expense. This nondiscrimination policy applies to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall and termination.

DEFINITIONS

The Americans with Disabilities Act defines an individual with a disability as any person who:

1. has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on Bernards Township, or that permits a qualified applicant or employee with a disability to participate

in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

REQUESTING ACCOMMODATION

Qualified employees or prospective employees with disabilities may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to their Department Head, the Human Resource Manager or the Township Administrator. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired.

Bernards Township may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. Bernards Township will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship or expense on the Township's business operation. The Township may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another, but the Township retains the ultimate discretion to choose between reasonable accommodations. Employees are expected to fully cooperate in the accommodation process. The duty to cooperate includes making every effort to provide management with current medical information. Employees who do not meaningfully cooperate in the accommodation process will waive the right to accommodation.

To further Bernards Township's nondiscrimination policy, the Township will:

1. Identify the essential functions of a job;
2. Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
3. Determine whether a reasonable accommodation can be made for the qualified individual.

REVIEWING & PROVIDING ACCOMMODATIONS

Upon receipt of a request for accommodation, the Human Resources Officer, Department Head and/or Township Administrator will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation the Township may make to help overcome those limitations.

The Human Resources Officer will make recommendations to the Township Administrator, Health Officer, Library Director or Sewerage Authority Director to determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, and the accommodation's impact on the operation of the Township, including its impact on the ability of other employees to perform their duties and on the Township's ability to conduct business. Reasonable accommodations that may be recommended include but are not limited to the following:

1. Making existing facilities accessible and useable;
2. Job restructuring;
3. Part-time or modified work schedules;
4. Acquiring or modifying equipment or devices;
5. Appropriate adjustment or modifications of testing materials, training materials and/or policies;
6. Reassignment to a vacant position.

In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

The Human Resources Officer will inform the employee of the decision on their accommodation request. If the accommodation request is denied, employees will be advised of their right to appeal the decision

by submitting a written statement explaining the reasons for the request to the Township Administrator, Health Officer, Library Director or Sewerage Authority Director, as appropriate. If the request on appeal is denied, that decision is final. The ADA does not require the Township to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

Bernards Township will not discriminate against any qualified employee or applicant because he or she is related to or associated with a person with a disability.

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should contact the Human Resources Officer. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

POLICY AGAINST HARASSMENT

Bernards Township is committed to providing a work environment that is free of discrimination. The Township will not tolerate harassment of or by employees towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

APPLICABILITY

This policy applies to all people employed or appointed by Bernards Township, as well as volunteers working on behalf of the Township, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with Bernards Township are also expected to abide by the policy. In addition, no employee shall be required to withstand behavior from the public which violates this policy.

PURPOSE

This policy is designed to ensure all employees a work environment free of any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees about harassment based upon a protected status and to provide employees with a procedure to bring complaints to management's attention.

PROVISIONS

All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. Bernards Township prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes but is not limited to:

1. Treating an individual less favorably based on a person's protected group status;
2. Using derogatory or demeaning slurs to refer to a person's protected group status;
3. Calling another by an unwanted nickname which refers to one or more protected group statuses,, or telling ethnic jokes that harass an employee or create a hostile work environment;
4. Using derogatory references regarding a protected group status in any job-related communication;
5. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on protected group status;
6. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status; or
7. Any unwelcomed conduct, whether verbal, physical, or visual, that is based on a person's protected status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy. The Township will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, that creates an intimidating, hostile, or offensive working environment or that is severe or pervasive enough to otherwise alter the terms and conditions of one's employment.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

SEXUAL HARASSMENT

Bernards Township prohibits sexual harassment of its employees in any form. Sexual harassment of non-employees by a Township employee is also prohibited. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:
 - a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
 - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment; or
 - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive employment environment.
2. Prohibited Conduct: No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but shall not be limited to:

- a. Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
 - b. Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
 - c. The display of sexually graphic pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and emails;
 - d. Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another employee's body.
3. Unwelcome sexual advances toward non-employees such as requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:
 - a. Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;

- b. Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- c. 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 also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

COMPLAINT PROCEDURE

Any employee who feels he or she has been subject to harassment should report the incident directly to the Human Resources Officer. The Human Resources Officer will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Alternatively, any employee who feels he or she has been subject to harassment should report the incident directly to the Township Administrator. The Township Administrator will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The employee should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. The names and telephone numbers of the Human Resource Manager and the Township Administrator can be found at the end of this policy.

Any individual uncomfortable reporting an incident to the Human Resources Officer and/or Township Administrator should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment in a timely manner.

It is recommended but not required that all Bernards Township employees should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on the Township's property during regular work hours for an employee to file a complaint under this policy.

Any employee who receives a complaint of harassment or of conduct which would violate this policy from a non-employee or employee or has knowledge of or witnesses harassment or conduct which would violate this policy, must report the matter to the Human Resources Manager or Township Administrator immediately. The failure to make such a report may subject the employee to discipline. The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

INVESTIGATION PROCEDURE

The Township shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Human Resources office shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Human Resources office, or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve

the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the Township determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location in the Township.

All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.

In the event that the Township determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

PRIVACY

To the extent possible, the investigation will be kept confidential. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. Specifically, Bernards Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate disciplinary action up to and including immediate termination.

RESPONSIBILITY OF SUPERVISORY PERSONNEL

Supervisors are to monitor the work environment to ensure that all employees comply with this Policy Against Harassment. When a Supervisor learns of a violation of these policies, the Supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the Supervisor shall report the matter immediately to the Human Resources Officer.

RETALIATION PROHIBITED

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline.

Any Supervisor who received a harassment complaint from any employee must bring it to the attention of the Human Resources Officer and/or Township Administrator for resolution. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include, but not be limited to, verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Human Resources Officer.

LEGAL EFFECT

This Policy Against Harassment is to be construed as a unilateral expression of the policy of the Township concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any employee with questions regarding the Township's Policy Against Harassment should contact the Human Resources Officer and/or the Township Administrator.

TRAINING

Bernards Township recognizes the need to reinforce its policies with effective training. Training will be provided to all supervisory and non-supervisory employees. Ultimately, the goal of effective training is to build a culture in which all employees feel safe. Training may be conducted in person or through electronic means. To the extent economically and operationally feasible, training will be conducted live whenever possible. Training should empower participants to intervene appropriately when they witness harassment or discrimination. This means not only training participants on the requirements of the policy prohibiting harassment and discrimination, but also training participants on tools for response and lodging complaints. Training should emphasize the negative impact of harassment and discrimination on employees, workplace productivity, workplace culture, and encouraging those employees who either experience harassment/discrimination or witness it to report it.

MONITOR FOR COMPLIANCE

Bernards Township acknowledges the importance of ensuring that our policies and procedures are actually working as intended to prevent sexual harassment and other forms of discrimination from occurring in the workplace. It is the expectation of the Township that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance. The Township will engage in proactive efforts to monitor and ensure compliance with its policies within their workplaces.

CONTACT INFORMATION:

Pat Monaco – Township Administrator – (908) 204.3098

Emily Kesselmeier – Human Resources Officer – (908) 204.3064

POLICY PROHIBITING WORKPLACE VIOLENCE

Bernards Township has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Township, its employees or which occur on the Township's property will not be tolerated. Such acts or threats of violence, whether made directly or indirectly, by words, gestures or symbols, infringe upon the Township's right or obligation to provide a safe workplace for its employees.

THREATS OR ACTS OF VIOLENCE DEFINED

"Threats or acts of violence" include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions with the Township, or to create a hostile, abusive, or intimidating work environment for one or more employees.

EXAMPLES OF WORKPLACE VIOLENCE

General examples of prohibited workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on Bernards Township property, regardless of the relationship between the Township and the parties involved in the incident.
2. All threats or acts of violence not occurring on Township property but involving someone who is acting in the capacity of a representative of Bernards Township.
3. All threats and acts of violence not occurring on Township property involving an employee of Bernards Township if the threats or acts of violence affect the legitimate interest of the Township.
4. Any threats or acts resulting in the conviction of an employee or agent of the Township, or of an individual performing services on the Township's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of Bernards Township.

SPECIFIC EXAMPLES OF PROHIBITED CONDUCT

Specific examples of conduct which may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to:

1. Hitting, fighting, pushing, or shoving an individual or throwing objects;
2. Threatening to harm an individual or his/her family, friends, associates, or their property;
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the Township;
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;
5. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Township;
6. Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;
7. Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Township property.
9. While employees of Bernards Township may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

APPLICATION OF PROHIBITION

The Township’s prohibition against threats and acts of violence applies to all persons involved in the Township’s operation, including but not limited to Bernards Township personnel, volunteers, contract and temporary workers, and anyone else on Township property. Violation of this policy by any individual on Township property, by any individual acting as a representative of Bernards Township while not on Township property, or any individual acting off of the Township property when his or her actions affect the public interest or the Township’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination.

WARNING SIGNS, SYMPTOMS AND RISK FACTORS

The following are examples of warning signs, symptoms, and risk factors which MAY indicate an employee’s potential for workplace violence:

1. Dropping hints about a knowledge of firearms;
2. Making intimidating statements like: “You know what happened at the Post Office,” “I’ll get even,” or “You haven’t heard the last from me”;
3. Possessing reading material with themes of violence, revenge and harassment;
4. Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;
5. Acting out either verbally or physically;
6. Disgruntled employee or ex-employee who is excessively bitter;
7. Being a loner;
8. Having a romantic obsession with a co-worker who does not share that interest;
9. History of interpersonal conflict;
10. Intense anger, lack of empathy;
11. Domestic problems, unstable/dysfunctional family;
12. Brooding, depressed strange behavior, “time bomb ready to go off.”
13. Supervisors should be alerted to and aware of these indicators. If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented.

PROCEDURES FOR DEALING WITH ACTS OF WORKPLACE VIOLENCE

When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact your Department Head or the Human Resources Officer. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 or the local police department, and contact your Department Head or the Human Resources Officer. The Department Head will contact the Human Resources Officer, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the Human Resources Officer will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

EMPLOYEE REPORTING OBLIGATIONS AND PROCEDURE

Each employee and every person on Township property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. An employee who believes that he or she has been the target of violence or threats of violence or intimidation or has witnessed or otherwise learned of violent conduct by another employee in the capacity described above, should immediately contact the Human Resources Officer and his or her immediate Supervisor.

In cases where the reporting individual is not an employee, the report should be made to the local police department. In cases where the reporting individual is an employee, the report should be made to the employee's Department Head or the Human Resources Officer. Each Department Head shall promptly refer any such incident to the Human Resources Officer.

The Township will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution. Nothing in the policy alters any other reporting obligation established in the Township's policies or in state, federal or other applicable law.

CONFIDENTIALITY AND RETALIATION

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Employees shall refer any questions regarding his or her rights and obligations under the policy to the designated Human Resources Officer.

WHISTLEBLOWER POLICY

Employees have the right to complain of anything they perceive to be improper. All complaints will be taken seriously and promptly investigated. As a matter of policy, Bernards Township abides by all federal, state, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the Township to implement this policy.

In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the Human Resources Officer. The written statement should detail the specific information the employee possesses so that the Township can perform an investigation.

The Employer or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. More specifically, neither the Township nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

1. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the Township or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law;

2. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the Township or another employer, with whom there is a business relationship;
3. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Township or any government entity;
4. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Township or any governmental entity.
5. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - a. is in violation of a law, or a rule or regulation issued under the law or,
 - b. is fraudulent or criminal; or
 - c. is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. See N.J.S.A. 34:19-3.

Disclosure to the Employer first, however, 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 emergent in nature. The employee must give the Township a reasonable opportunity to correct the activity, policy or practice. It is the Township’s responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A violation can taint the credibility of the Township and cause the Township and its employees to be subjected to adverse publicity leading to public distrust.

Employees are encouraged to complain in writing using the *Employee Complaint Form* but may make a verbal complaint at their discretion (see *Grievance Policy*). Under the law, the employee must give the municipality a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the *Grievance Policy*. In accordance with the statute, a copy of this policy will be posted in all facilities.

This policy is important to the Township. Each employee should seek to resolve any problem within Township channels before reporting it to any outside person or entity.

The Township has designated the following contact person to receive written notifications:

Name: Emily Kesselmeyer, Human Resources Officer
 Address: 1 Collyer Lane, Basking Ridge, NJ 07920
 Phone: (908) 204-3064

Name: Pat Monaco
 Address: 1 Collyer Lane, Basking Ridge, NJ 07920
 Phone: (908) 204-3098

RLUIPA COMPLAINT POLICY

Consistent with the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 (“RLUIPA”), Bernards Township, the Planning Board, and the Zoning Board of Adjustment do not discriminate against religious exercise or violate the other protections of RLUIPA. If any person believes that Bernards Township, acting through its agents or employees, may have violated RLUIPA, they have a right to file a complaint.

Should any Township personnel receive a verbal complaint, it should be communicated immediately, in writing, to the Municipal Clerk, who will offer and provide the *Complaint Against the Township of Bernards* form to the complainant.

Any submitted *Complaint Against the Township of Bernards* forms should be forwarded to the Municipal Clerk immediately upon receipt.

The complete process and *Complaint Against the Township of Bernards* form is located on the Bernards Township Website in the Documents section of the Planning and Zoning Departmental page. In the event of an alleged RLUIPA event, please refer to the referenced website page and follow the procedure noted there.

OPEN DOOR POLICY

The Township encourages employees who feel they have been treated unfairly or contrary to the Township's policies to discuss their concerns with their supervisor, or if they prefer with their Department Head, Human Resources Officer or Township Administrator.

GRIEVANCES

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure. A grievance submitted by a union employee will be addressed pursuant to grievance procedure set forth in the applicable bargaining unit agreement. A grievance from a non-union employee must be submitted within five (5) working days after arising. Failure to report a grievance within such time period shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

1. Step One: Any employee or group of employees with a grievance shall communicate their grievance to their supervisor or Department Head who will discuss the matter with the human resources officer and/or the Township Administrator. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.
2. Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the human resources officer and/or the Township Administrator detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting with the human resources officer and counsel, as appropriate, the Township Administrator will render a written decision to the employee within five (5) working days after receipt of the written grievance.

The above referenced grievance procedures do not apply to employee complaints made under Bernards Township's Anti-Harassment and Discrimination Policies.

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

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

Prior to the discussion by the governing body or anybody of the Township concerning such matters, the Human Resources Department shall notify the affected persons 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 that more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Township may, at its sole discretion, invite the affected individual to attend the applicable portion of the closed session.



TOWNSHIP OF BERNARDS

SECTION TWO: EMPLOYEE BENEFITS

COMPENSATION PROGRAMS

Bernards Township will pay its employees in accordance with the provisions of applicable collective bargaining agreements, ordinances, policy and in compliance with the Fair Labor Standards Act (“FLSA”) and the New Jersey Wage and Hour Law. The Township has several different compensation programs, depending on non-union classifications or union representation. Employees represented by unions shall follow their union contracts.

Bernards Township will follow all state and federally mandated laws regarding minimum wage and equal pay.

PAY DAY

Depending on an employee’s status, he/she will be paid as follows:

1. Regular employees are paid on a bi-weekly pay cycle and receive their pay every other Thursday via direct deposit. This payment includes pay through the Friday after the pay date, therefore, the direct deposit includes payment for one week of time not yet entered into an EDMUNDS attendance batch.
2. Employees will receive a copy of their direct deposit advice via an email to their personal email account.
3. Part-time, seasonal and temporary employees are paid on a bi-weekly pay cycle. The direct deposit advice reflects payment of actual time worked.
4. All employees’ time must be entered into the EDMUNDS Timekeeping System for payment.

Any questions regarding pay schedules should be directed to Supervisors, union representatives as appropriate, or the Finance Department.

VOUCHER PAY FOR SEASONAL AND TEMPORARY EMPLOYEES

Any temporary and seasonal employees who do not have access to the EDMUNDS timekeeping system are paid by voucher. These employees are responsible for completing a weekly time sheet and submitting it to their supervisor, who will input their time into EDMUNDS. These employees will not be paid until their time sheet has been approved and submitted.

REGULAR MANAGEMENT AND NON-SUPERVISORY EMPLOYEE’S COMPENSATION

In order to attract and retain a highly qualified and competent work force, Bernards Township has instituted a Pay for Performance Program to compensate employees in a fair and equitable manner based upon demonstrated job performance and in accordance with its Equal Employment Opportunity policy.

The Township’s Salary Ordinance provides a classification of Township positions and a schedule of compensation for each grade level.

The initial compensation of each official, officer and employee, including any adjustments which are included within the terms of an offer of employment, is authorized through a Resolution of Appointment by the Township Committee, or appropriate Board of Health, Library Board or Sewerage Authority, at the time of appointment or hiring.

The Township does not provide longevity awards or bonuses for non-union employees.

Subsequent adjustments to the salaries or wages of each official, officer and employee of the Township shall be administered by the Human Resources Officer, in consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Director. Any adjustments to the salary of the Township Administrator shall be determined by the Township Committee.

All salary adjustments:

1. Shall be considered on an annual basis except when otherwise provided by the Township Committee or authorized by the Township Administrator or Board of Health, Library Board or the Bernards Township Sewerage Authority; and
2. Shall be subject to the limitations set forth in the Bernards Township Salary Ordinance, as amended from time to time; and
3. Shall be pursuant to the policies and procedures for personnel evaluations and pay increases, which are established from time to time by the Township Committee.
4. The Human Resources Officer and Township Administrator may distribute the annually budgeted Human Resources incentive line to reward meritorious performance. These rewards may be distributed any time throughout the year to an employee who performs at an exceptional level or develops a cost-saving approach for the Township. Awards may be of nominal value.

EDUCATIONAL ASSISTANCE POLICY

Bernards Township encourages employee self-improvement and supports an educational assistance program for its regular employees based on job-related requirements. Financial assistance is contingent on the availability of funds in the approved Township budget and approval from the employee's manager.

TRAINING

Regular full-time employees and part-time employees who work 20+ hours per week shall be entitled to receive financial assistance for training courses or seminars if the following conditions are present:

1. The course is judged by the Department Head to be of value to the individual and to the Township in the position the employee occupies, or the course is recommended by the Department Head.
2. There is sufficient evidence to show that the employee is capable of handling the desired training in the normal time allotted for such course.
3. The course is offered by an approved institution of learning.
4. Funding is approved by the Department Head and included in the department budget.

Prior to enrollment, the Department Head must approve each request for training. Upon completion of an approved course, the employee shall submit a copy of the course certificate or agenda to the Human Resource Department for inclusion in his/her personnel file. Travel expenses are eligible for reimbursement as described in **Use of Township Vehicles, Licensing and Reimbursement Policy.**

LICENSING AND CERTIFICATION

The initial cost of courses leading to or required for licensing or certification that is required for a full-time employee's position shall be paid for by the Township. This includes courses required as part of a continuing education or re-certification program. Employees must obtain approval prior to taking any licensing or certification courses. Payment to part-time employees will be determined by the Department Head and the Human Resources Officer on a case-by-case basis.

The Township shall pay for the initial and renewal fees of mandatory licenses held by full-time regular employees. Payment to part-time employees will be determined by the Department Head and the Human Resources Officer on a case-by-case basis.

Upon completion of an approved training, the employee shall submit a copy of the license or certification to the Human Resources Manager for inclusion in his/her personnel file. Travel expenses are eligible for reimbursement as Offocier in **Use of Township Vehicles, Licensing and Reimbursement Policy.**

TUITION REIMBURSEMENT

Full-time employees may be eligible to receive financial assistance for tuition reimbursement based on approval from their manager and the availability of funds in the approved Township budget if the following conditions are present:

1. The employee is registered as a matriculated student in an accredited degree program that is judged by the Department Head to be of value to the individual and to the Township.
2. The course is offered by an approved institution of learning.
3. The employee may not take more than two courses per semester.
4. Funding is approved by the Department Head and included in the department budget.
5. It is expected that veterans will take advantage of the financial assistance for which they are eligible under the current laws covering education of veterans.

Prior to enrollment in a class, approval or disapproval of an application for financial assistance for education will be given by both the Department Head and Human Resources Officer.

Upon completion of an approved course, the employee shall submit a copy of his/her transcript for the course to the Human Resource Manager for inclusion in his/her personnel file.

Regular tuition, registration fees and required laboratory fees shall be eligible for reimbursement. The cost of books, supplies or other similar expenses shall also be eligible for reimbursement. Travel expense will not be eligible for reimbursement.

A satisfactory passing grade must be obtained. Only those grades classified as "C," "average," "satisfactory" or above will be considered satisfactory.

For college credits, payments will be made upon presentation of transcripts indicating the grade received and proof of payment of fees. Employees will be reimbursed for up to 100% of the allowed costs within 30 days after the voucher is filed with the Human Resources Department. Advance payment for registration fees prior to class participation and grade submission are not permissible.

If an employee terminates employment with the Township prior to course completion, they will not be reimbursed for these expenses by the Township.

If a non-union employee voluntarily resigns employment with Bernards Township, the employee is responsible to repay all tuition assistance monies received within the 12 months prior to the termination date. Union employees follow the terms of their contracts.

PERFORMANCE MANAGEMENT PROGRAM

The Township recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development and establishes a foundation for personnel actions such as promotion and termination.

Performance Evaluations shall ensure that:

1. Each employee receives feedback on objectives, accomplishments, strengths and areas for improvement;
2. Each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify areas where greater contribution is possible, or where either feels more development would be beneficial; and
3. Essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

The performance evaluation provides the vehicle for dialogue between the employee and the supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. In accordance with the Township's Pay for Performance Program, an evaluation will be made of all regular Township employees, full-time and part-time. This also applies to those employees represented by the various unions. The Township Administrator, Library Board, Sewerage Authority or Board of Health, as appropriate, will prepare reports on the performance of the Department Heads and the Township Committee will prepare reports on the performance of the Township Administrator.

The Human Resources Officer, in consultation with the Township Administrator, shall prepare the necessary forms required for this process.

The completed appraisal becomes part of an employee's permanent record.

Each year employees should establish goals and objectives. The evaluation is a tool to measure the progress made by the individual during the past review period and to encourage his/her self-improvement. The evaluation will also record additional duties performed, educational courses completed, extraordinary skills or abilities as well as a plan to correct any weak points. Supervisors or Department Heads should review future training needs and career planning and consider the following:

1. Initiative, dependability and effort
2. Knowledge of work
3. Attitude and willingness
4. Quantity and quality of work
5. Disciplinary record
6. Attendance and tardiness

Supervisors should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask relevant colleagues for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of their employees. Open communication is the key to improvement. Performance appraisals should not make reference to medical situations.

SCHEDULE FOR REVIEWS

In addition to day-to-day feedback to the employee, a performance evaluation is conducted for all regular employees. Depending on the employee's length of service, performance and/or previous evaluations, multiple evaluations may be provided.

After completing the evaluation, the Supervisor or Department Head will review the results with the employee. Each employee shall sign the evaluation report that is prepared by the Supervisor or Department Head indicating that it has been reviewed with the employee. Signature does not necessarily imply agreement.

The form(s) with the signed acknowledgement are returned to the Human Resources Officer for inclusion in the employee's official personnel file.

An employee may request a conference with the Township Administrator or, as appropriate, Health Officer, Library Board or Sewerage Authority Director, regarding the evaluation of his/her performance.

EVALUATIONS DURING THE INITIAL EMPLOYMENT PERIOD

During the Initial Employment Period ("IEP"), the Supervisor will prepare evaluations of the employee periodically, depending on the length of the IEP.

At the end of the initial employment period, the Supervisor will conduct an employee evaluation. Provided the employee's job performance is satisfactory at the end of the initial employment period, the employee will continue in the Township's employment as an at-will employee and may be eligible for a salary adjustment in accordance with the pay plan.

The Supervisor may extend the initial employment period in consultation with the Human Resources Officer. Within that extended period, a subsequent evaluation should be prepared to document if the employee's performance is at an acceptable level, and therefore, if he/she shall continue employment or if the employee is to be discharged.

TIME RECORDS

All employees will maintain accurate and complete time and attendance records. All attendance must be entered in an EDMUNDS attendance batch. Department Heads and/or his/her designee will approve all time reports or records, and follow the established procedures set by the Township Administrator for submission of such time records.

The attendance records are Township records, and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees. Each employee is responsible for his/her own accurate record keeping.

The Township has many different departments that are working various schedules. Lunch breaks are unpaid and are either one half hour or one hour, depending on the employee's work location.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records. If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

Non-exempt employees must calculate their overtime on a weekly basis (see Overtime section for further explanation). An employee's Supervisor must approve each overtime entry; employees with overtime entries that do not have prior approval will be subject to disciplinary action.

Exempt employees are also required to enter their time into EDMUNDS, however, are not required to sign in or out; however, the employee must record all exceptions on their attendance record, i.e., business trips or off-site meetings.

For the purpose of entering time in EDMUNDS, non-exempt employees should begin/end their work on the hour, half hour or quarter hour. The hours worked are to be reflected in 15-minute increments.

Violations of this policy and relevant procedures will result in appropriate disciplinary action, up to and including dismissal.

Maintaining Time Records

1. Employees are required to enter into the EDMUNDS timekeeping system a time record for each day during a pay period indicating the hours worked and paid time taken (i.e., vacation, sick, etc.)
2. The employee's Supervisor must approve the employee's hours worked at the end of each pay-period in the EDMUNDS timekeeping system by updating a batch.
3. The employee's Supervisor may not input or approve unpaid employee hours. Such approval and coding is the responsibility of Human Resources.
4. The EDMUNDS Time Code Instruction Sheet indicates the necessary coding to be used when entering time into the system.

5. Certain departments have employees who do not have access to computers and therefore are unable to enter their own time into the EDMUNDS timekeeping system. In this case, Department Heads or their designees are responsible for entering all time for these employees.
6. FMLA time will be entered and updated by Human Resources.

OVERTIME PAY & COMPENSATORY TIME POLICY

Bernards Township complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act (FLSA).

Depending on Township work needs, employees may be required to work overtime. Prior approval by a supervisor is required before any non-exempt employee works overtime. Employees represented by a labor union will abide by the contract terms.

Hours at Bernards Township are generally 8:30 am to 5:00 pm, Monday through Friday, with a half hour unpaid lunch period each day, although this may vary by department and location.

EXEMPT EMPLOYEES

Under the FLSA, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. All employees in EXEMPT positions are NOT ELIGIBLE to receive overtime payments or compensatory time off. Employees in exempt positions will be notified of this status.

Employees in positions classified as Exempt shall be required to work the normal workweek and any additional hours needed to fulfill the responsibilities of the position. The annual rate established for such employees by the salary resolution or ordinance shall be their total compensation for all the time worked. Hours worked over the regularly scheduled workweek hold no cash value. Time off or special payment in consideration of vast amounts of additional hours may be provided to the employee with the pre-approval and at the sole discretion of the Township Administrator or as appropriate, Health Officer, Library Director or Sewerage Authority Director. Such accumulation of time off holds no cash value.

The Township also provides regular, full-time exempt employees with an opportunity to participate in a salary match program of up to 5% in an effort to recognize the numerous hours that exempt employees work without additional pay (see the 457 Deferred Compensation Plan section).

NON-EXEMPT EMPLOYEES

PRE-APPROVAL OF ADDITIONAL HOURS WORKED BY NON-EXEMPT EMPLOYEES

All hours worked over non-exempt employee's regular schedule require PRIOR authorization by the employee's Department Head and/or his/her designee. This should be in accordance with departmental procedures. Employees working overtime without approval will be subject to disciplinary action.

OVERTIME COMPENSATION

Non-exempt employees are eligible for additional pay for work performed beyond 40 weekly hours (the work week runs Sunday through Saturday). Straight time is paid up to 40 worked hours and then the overtime rate becomes effective after 40 hours are worked. Non-exempt employees may receive either cash overtime or compensatory time off for all hours worked over 40, calculated at the time and one-half rate. Compensatory time is accrued at the rate of one and one-half regular pay and may be accumulated up to a maximum of 60 hours per year for regular full-time employees. For regular part-time employees, compensatory time may be accumulated up to a maximum of 1.5 times the regularly scheduled weekly hours. Once the maximum hours have been accumulated, employees will be paid in accordance with the overtime policy. The Township Administrator may approve compensatory time in excess of the maximum in extraordinary circumstances.

All overtime hours must be noted in the EDMUNDS system as either paid overtime or compensatory overtime.

For purposes of determining time worked, vacation time, personal time, and holiday time are considered time worked. Sick time, Worker's Compensation-related absences and compensatory time off are not considered time worked for overtime purposes, except in the cases of emergency call-ins.

SEWERAGE AUTHORITY EMPLOYEES

All Bernards Township Sewerage Authority employees may only be eligible to earn compensation time on their pre-scheduled working weekends. A Sewerage Authority employee using compensation time on any Friday is not exempt from being called into work for the following weekend (Saturday and Sunday). The above provisions for Sewerage Authority employees do not affect other departments at Bernards Township.

WORKING ON SUNDAYS AND HOLIDAYS

Non-exempt regular, full-time employees shall be compensated at a rate of two (2) times their normal hourly rate for all work on Sundays when Sunday is not a day of their regular workweek. Non-exempt regular, full-time employees shall be compensated at a rate of two (2) times their normal hourly rate for all work on Township-designated holidays. Non-exempt regular, part-time employees shall be compensated at 1.5 times their normal hourly rate for work on Sundays or Township designated holidays.

Due to the unique nature of the **library** schedule, library staff shall be compensated for work on Sundays at their normal hourly rate, in accordance with applicable laws.

REGULAR PART-TIME EMPLOYEES TAKING ON A TEMPORARY ASSIGNMENT

Regular part-time employees who work an increased schedule in excess of 20 hours per week for more than six months will be eligible for additional prorated paid time off based on the relevant time off policy. The paid time off calculation will be made retroactive to the start date of the temporary assignment, except for holiday pay, which is paid in accordance with the Holiday Pay policy.

COMPUTING OVERTIME

In computing overtime compensation, the nearest one-quarter (1/4) hour shall be the smallest fraction of an hour to be reported per day.

CHARGING COMPENSATORY TIME -OFF

Regular employees taking compensatory time off must take it in minimum of one quarter (1/4) hour increments.

EMERGENCY CALL-OUTS

Non-exempt employees, unless on regular stand-by duty, shall receive a minimum of four (4) hours pay for any call which requires him/her to return to duty for emergency, exceptional or unusual reasons. This does not include time where the employee returns to the workplace for a planned meeting or event or extends the regular workday. Exempt employees called-in for an emergency are not eligible for additional compensation or time off for emergency call-in time.

TAKING COMPENSATORY TIME

1. The employee will notify their supervisor of the date(s)/times they want to take as compensatory time off. Unless the requested absence would cause undue hardship to the department, the request will be granted.

2. Employees should discuss when they wish to take compensatory time off with their supervisors as far in advance as possible, but not less than two days.

PAYMENT OF COMPENSATORY TIME

Employees may request payment of their accumulated compensatory time. Requests for payment must be coded appropriately into the EDMUNDS timekeeping system and must be included as a part of a standard payroll batch. At the time of termination, an employee's accrued compensatory time will be paid out as a cash payment.

EXCHANGE OF HOURS

Employees may exchange or make up hours during their workweek provided they request to do so and receive approval from their supervisors. Hours worked and exchanged in this way do not count towards overtime. Only time worked in excess of 40 hours in a workweek results in overtime pay for non-exempt employees. Employees may only exchange/make-up hours in the same workweek.

SUMMER FLEXTIME WORK SCHEDULE

Bernards Township offers regular, full-time, non-union employees a Flextime Work Schedule which provides latitude in scheduling summertime working hours as long as the employee completes their full-time hours each week while ensuring departments meet Township and resident needs for service without any reduction in service levels or hours. Participation in the Flex program shall be determined by Department Heads for their individual locations.

The Flextime schedule runs from the week following Memorial Day through the week preceding Labor Day. During this period, Flextime scheduling will not be available to employees during weeks that include a Holiday. The Human Resources Officer will also determine the Summer Flextime schedule options and procedures for requesting and approving employee requests for Flextime.

HEALTH INSURANCE

DISCLAIMER:

The Township has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness and disability and to help plan for retirement. This portion of the Employee Handbook contains a very general description of the benefits to which employees may be entitled as an employee of the Township.

This general explanation is not intended to, and does not, provide all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Employees' rights can be determined only by referring to the full text of the official plan documents, which are available for their examination from the Human Resources Department. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Township and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

The Township reserves the right to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein. Further, the Township reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply, interpret and modify the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of the Township's benefit programs, please refer to the Summary Plan Descriptions, which are provided to employees separately, or contact the Human Resources Department.

HEALTH INSURANCE PROGRAMS

The Township currently offers health insurance programs to its regular full-time employees as follows:

1. Medical Plan, including prescription coverage
2. Dental Plan
3. Vision Coverage

Note: Part-time and full-time temporary and seasonal employees are not entitled to medical insurance benefits. Failure to complete all necessary paperwork in accordance with the time frames advised by the Employer will result in a delay of coverage. Additionally, failure to enroll dependents or to make other changes or corrections in coverage may jeopardize available benefits. All employees must notify the Employer of any change in status (i.e., marriage, divorce, birth, adoption, death) within the time frame designed by the health benefit plan that would affect any employer-provided health insurance. The Employer reserves the right to conduct a coverage audit to verify proper coverage for employees and eligible dependents.

MEDICAL INSURANCE PROGRAM

The Township provides each employee with health insurance, including dependent coverage, through medical insurance as offered by the State Health Benefit Program. The State Health Benefit Program is dictated by the State and the Township, and its employees are required to follow the provisions of the plan.

DEPENDENT DEFINED

Bernards Township defines “dependents” as used in this policy as it is defined under the State Health Benefits Program. Dependents means the employee’s spouse and the employee’s children under the age of twenty-six (26) years.

“Children” includes stepchildren, legally adopted children and foster children provided that they are reported for coverage and are wholly dependent upon the employee for support and maintenance. See N.J.S.A. § 52:14-17.26. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service.

The term “dependents” does not include spouses of retired persons who are otherwise eligible for benefits under the State Health Benefits Program (N.J.S.A. § 52:14-17.25 et seq.) but who, although they meet the age eligibility requirement of Medicare, are not covered by the complete federal program.

MEDICAL/HOSPITALIZATION COVERAGE

The State Health Benefits Program provides comprehensive hospital and major medical insurance coverage. Under the plan, participants can choose to use in-network or out-of-network providers in accordance with the Plan design. The HMO generally requires participants to utilize only in-network providers.

Employees are provided with information about the State Health Benefit Program during their new hire orientation and during the annual Open Enrollment period. It is the employee’s responsibility to complete their enrollment form and return it to the Human Resources department within the first week of their employment. If the Human Resources department receives the employee’s enrollment form as required, coverage will begin sixty (60) days from the employee’s hire date.

Once made, the benefit election is generally fixed for the remainder of the plan year, except in the event of a Qualifying Event as defined by each benefit plan. At the end of each plan year, during Open Enrollment, employees may change their medical elections for the following calendar year.

Employees contribute to their medical insurance as defined in Chapter 78, P.L. 2011. The contribution rate is determined by the employee’s benefit election and salary. Details of the contribution formula are provided by the Human Resources department. The contribution rate is subject to the Minimum Annual Contribution Rates established by the Township Committee, as follows:

PLAN	MINIMUM ANNUAL CONTRIBUTION RATE
Single	\$300.00
Parent/Child	\$420.00
Member/Spouse	\$660.00
Family	\$780.00

The base plan for the Township is NJDirect15. If any employee elects to enroll in other coverage, then the employee shall pay all the costs above the cost of NJDirect15 associated with the coverage elected.

New hires who enroll in the health insurance plan shall be responsible for contributing to their health benefits upon the start of the health plan, approximately 60 days following their hire date in accordance with the Plan rules.

Payment shall be deducted from an employee’s salary on a pro-rated basis for a period of 24 pays for the current year contributions. The Township provides that contributions to the medical plan are made on a pre-tax basis through the Township’s section 125 Cafeteria Plan. Employees who opt out of the pre-tax treatment of their insurance contributions must complete the appropriate form and return it to Human Resources.

OPT-OUT PROVISION – MEDICAL

If an employee does not wish to be covered by the medical insurance program and furnishes proof of substitute coverage through a spouse's employment or other equivalent plan, the employee shall be permitted to opt out of participation in the Township medical insurance program in accordance with law. For those that qualify, in exchange for such nonparticipation, shall receive an annual cash disbursement of \$1000.00 for nonparticipation for single enrollment, \$2400.00 for member/spouse enrollment and \$3600.00 for family enrollment, distributed in 24 equal pay periods.

The State Health Benefits has a provision mandating multiple coverage restrictions, which prohibit an employee, dependent or retiree who is a member of the SHBP from receiving benefits from more than one employer. Additionally, this provision states that an employee and their spouse (where both employers offer SHBP) are not eligible for a reimbursement waiver via an Opt-Out option.

The employee may opt out of the insurance plans at any time but may not rejoin until the next annual Open Enrollment period. There may be some “qualifying events” that would allow the employee to re-enroll without waiting for the open enrollment period in accordance with the contract with the insurance provider.

DENTAL INSURANCE PROGRAM

The Township shall pay the premium costs up to a maximum of \$45.00 per month for full-time regular employees for dental insurance. Any premium above that amount shall be deducted from the employee’s salary. Dependent coverage is also available for dental insurance. The employee shall pay the premium costs over \$45.00 via payroll deductions. These deductions will be on a pre-tax basis through the Township’s 125 Cafeteria Plan unless the employee opts out of that tax treatment for their contributions.

The Township currently offers three plans – the Premier, the Preferred and the Flagship – all through Delta Dental of New Jersey. Employees are provided with information packets on these programs during their new hire orientation and during Open Enrollment. It is the employee’s responsibility to complete the enrollment form and return it to Human Resources within the first week of their employment. If Human Resources receives the enrollment form as required, the employee’s coverage will begin on the first day of the month following their hire date. If the form is not returned after the first week of their employment, coverage will begin on the first day of the month following receipt of the enrollment form.

Once made, benefits election is generally fixed for the remainder of the plan year. Once enrolled, the participation must continue through the plan year, with the exception of certain qualifying events. At the end of each plan year, during Open Enrollment, employees may change their dental elections and dependent participation for the following plan year.

OPT-OUT PROVISION – DENTAL

An employee may choose to opt out of the Township’s Dental Insurance Program. In exchange for such nonparticipation, the employee shall be entitled to receive a cash disbursement of \$20.00 per month.

EYE CARE ALLOWANCE

The Township shall reimburse up to \$100 per calendar year for a full –time, regular employees’ Eye Care related expenses including, but not limited to, non-prescription eyewear and sunglasses. Employees may accrue their unspent Eye Care allowance up to a maximum of \$300. For reimbursement, a Vision Voucher must be submitted, along with itemized receipt(s), to Finance within three months of the date of service. Reimbursements shall be made for the employees’ Eye Care expenses or Vision premiums only (any level of coverage) and shall not include Eye Care expenses for a spouse or dependents.

VISION COVERAGE

The Township may also provide voluntary vision insurance to its employees and reserves the right to discontinue the voluntary vision insurance offered to its employees, at its discretion. Payment of Vision premiums will be made from the Employee’s Eye Care Allowance, up to \$100 per year. The employee shall pay the balance of the premium cost via payroll deduction.

LONG-TERM DISABILITY

The Township provides regular full-time employees a non-contributory Long-Term Disability (LTD) base plan. This non-contributory base plan provides for monthly LTD benefits of 60% of basic monthly earnings to a maximum benefit of \$3,500 per month, less any other offsets such as a pension disability. Active, full-time employees working a minimum of 35 hours are automatically enrolled as of the first day of the calendar month following their date of hire and are subject to an eligibility waiting period. Employees become eligible on the first of the month on or after 60 days of active service. Eligible employees will receive a benefits booklet describing the plan at their new hire orientation.

Eligibility for long-term disability and long-term disability coverage terminates on the last day of employment.

LIFE/ACCIDENT INSURANCE PROGRAM

Employees can also purchase supplemental life/accident insurance for themselves and their family through AFLAC when newly hired and during the Open Enrollment period.

FLEXIBLE SPENDING ACCOUNTS

Full-time regular employees can participate in an employee-funded Flexible Spending Account. The monthly participation fee is paid by the Township.

HEALTH CARE FLEXIBLE SPENDING ACCOUNT

Health Care Flexible Spending Accounts provide employees the opportunity to create an account using pre-tax money to pay for eligible medical expenses. Plan participants may elect an annual amount up to \$3050.00, which will be deducted on a pre-tax basis in 24 equal pay periods to pay for eligible health care expenses, generally, expenses qualifying under IRC Sec. 213 (with some exceptions) incurred during the calendar year that are not reimbursable from any other source. Eligible health care expenses may include medical or dental insurance deductibles, co-payments, prescription co-payments and out-of-pocket costs for vision care, etc.

NOTE: For Health Care Flexible Spending only: If eligible expenses incurred during the calendar year are less than the elected annual amount of flex dollars for that year, a maximum of \$500.00 may be carried over into the next calendar year.

DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT

Dependent Flexible Spending Accounts allow employees to set aside \$500 to \$5,000.00, which will be deducted on a pre-tax basis in 24 equal pay periods to pay for eligible dependent care expenses. Please review the plan for specific details for the allowable expenses under this program.

COMMUTER FLEXIBLE SPENDING ACCOUNT

Commuter Flexible Spending Accounts allow employees to set aside \$270 per month for transit and van-pooling expenses and/or \$270 per month for parking expenses, which will be deducted pro rata on a pre-tax basis in 24 equal pay periods to pay for qualified mass transit and parking expenses associated with their commute to work.

1. **Qualified Mass Transit Expense:** Qualified expenses include transit passes, tokens, fare cards, vouchers, or similar items entitling you to ride a mass transit vehicle to or from work. The mass transit vehicle may be publicly or privately operated and includes bus, rail, or ferry.
2. **Qualified Parking Expense:** Get reimbursed for parking expenses incurred at or near your work location or a location from which you continue your commute to work by carpool, vanpool or mass transit. Out-of-pocket parking fees for parking meters, garages and lots qualify. Parking at or near your home is not an eligible expense.

RETIREMENT PLAN AND GROUP LIFE INSURANCE

All regular Township employees shall be enrolled in the New Jersey Public Employees Retirement System (PERS), Defined Contribution Retirement Program (DCRP) or the New Jersey Police & Fire Retirement System (PFRS) in accordance with the salary or hourly requirements for enrollment by membership tier. Retirement Plan eligibility depends upon hire/enrollment dates and type of service. Group life insurance is offered as part of PERS, DCRP, and PFRS. Contact the CFO for information about retirement plan eligibility and requirements.

Membership in PERS or DCRP is determined by position or professional license at date of hire. If an individual holds a professional license or certificate to perform and is serving in any of the following capacities, the person is qualified to join or remain in PERS and does not join DCRP:

Licensed Health Officer	Tax Assessor
Tax Collector	Municipal Planner
Chief Financial Officer	Registered Municipal Clerk
Construction Code Official	Licensed Uniform Subcode Inspector
Qualified Purchasing Agent	Certified Public Works Manager

The following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program (DCRP), subject to the terms of the Program:

Township Administrator	Human Resources Officer
Director of IT	Director of Parks & Recreation
Supervisor of Treasury Services	Township Treasurer
Municipal Judge	Township Engineer
Court Administrator	Director of Library
Sewerage Authority Plant Superintendent	Manager of Community Service
Members of the Governing Body	

The employee's contribution to the plan is deducted from the salary paid to such employee and remitted to the state as required by law. The Township contribution for each employee is determined by and subsequently remitted to the state in accordance with the provisions of the law.

Township employees having completed the required number of years of service and having attained the specified age may apply for retirement as provided by the plan.

These plans are regulated by the New Jersey Division of Pensions and Benefits. Regulations are subject to change. Full details on these plans may be obtained from the NJ Division of Pensions website or contact the Chief Financial Officer.

457 DEFERRED COMPENSATION PLAN

The Township offers a voluntary pre-tax 457 Deferred Compensation Plan for all regular employees by authorized payroll deduction. The plan provides the employee with the ability to supplement retirement income. Contributions are made to an account in the employee's name for the exclusive benefit of the employee and his/her beneficiaries. The value of the account is based on the contributions made and the investment performance over time.

Regular employees of the Township may elect to participate in the 457 Plan beginning with the first payroll period administratively feasible after employment.

The Township also offers Retirement Health Savings Plans (RHSP) to eligible employees. RHSP contributions are used to pay for eligible health care expenses after retirement.

The Township will provide regular full-time exempt employees with a match of up to 5% for those employees participating in the 457 Plan or the Retirement Health Savings Plan (this match is made in accordance with Plan requirements). Non-exempt employees do not receive matching funds from the Township.

Further details about the Plan may be obtained from the Chief Financial Officer or the Plan Representative.

EMPLOYEE ASSISTANCE PROGRAM

The purpose of the Employee Assistance Program (EAP) is to help employees deal with personal problems such as family difficulties, stress, emotional and relationship problems and alcohol/drug abuse.

The EAP is confidential service available to eligible employees and their families. The services provided help employees and family on a confidential basis through short-term counseling and utilizing appropriate community resources.

Eligible employees may contact the EAP directly to set up an appointment. A manager or supervisor may also suggest or recommend an employee contact the EAP. There may also be formal referrals to the EAP by a manager in conjunction with the Human Resources Manager based on unsatisfactory job performance. Regardless of the source of referral to the EAP, whether initiated by the employee or the manager, the services of the EAP are completely confidential.

There is no charge to the employee or members of his/her family for the EAP services. This benefit is offered to eligible regular full-time employees.

ACCIDENTS AND EMERGENCIES ON THE JOB - WORKERS' COMPENSATION POLICY

Maintaining a safe work environment requires the continuous cooperation of all employees. The Township strongly encourages employees to communicate with fellow employees and their supervisor regarding safety issues.

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. Workers' Compensation is not a leave entitlement but only a wage replacement arrangement. All employees will be provided care, first-aid and emergency service, as required, for injuries or illnesses which occur while working at the Township. Employees should contact their supervisor, the nearest Supervisor, and/or dial 911 in the event of an accident or emergency. Failure to report accidents may preclude an employee's coverage under Worker's Compensation Insurance.

Medical treatment related to a workers compensation matter must be scheduled and completed with a workers' compensation physician appointed by the Employer or workers' compensation carrier. Medical treatment related to a workers compensation matter that is not authorized by a workers compensation physician or the workers compensation carrier will not be covered by workers compensation. No temporary Workers' Compensation benefits other than the payment of medical bills shall be paid until the employee has been disabled for a period of seven (7) calendar days from the work-related injury, unless otherwise required by law

EMPLOYEES WHO SUSTAIN JOB-RELATED SICKNESS, INJURY, OR DISABILITY

Employees who sustain job-related sickness, injury, or disability shall be entitled to remain absent from duty and to receive full regular pay for the period of necessary recuperation or six (6) months, whichever is less. Any payment so made shall be reduced by Worker's Compensation benefits received by the employee, with no negative impact to the employee's net pay. If still disabled at the end of the six (6) month period, a decision of the employee's status shall be made based upon a doctor's determination of the employee's condition and in consultation with the Human Resources Manager and the Department Head.

"Job-related" is defined for purposes of this section in accordance with the definition of this phrase as employed by the prevailing workers compensation statutes.

PROCEDURES

An employee, who is injured while engaged in the performance of Township duties, shall immediately report such accident to their Supervisor. The Supervisor will immediately report the accident to the Township's Worker's Compensation carrier and complete a First report of Injury form. The form may be obtained from the Township's Intranet under "Employee Forms/Worker's Compensation." The completed accident report form shall then be submitted to Human Resources via e-mail for submission to the Township's insurance company and Safety Committee.

****All treatment will be directed by the Worker's Compensation Case Manager. ****

While receiving workers' compensation benefits, the pension portion of an employee's benefits will still be paid by the Bernards Township. If, however, an employee is receiving workers' compensation with pay, (which is defined as one hundred (100%) percent compensation of salary) the employee is responsible for all deductions, including pension.

The Township will not tolerate retaliation or discrimination against an individual because the individual has filed a claim for workers' compensation benefits. This prohibition includes denying or limiting any request for leave because an individual asserted a claim for workers' compensation benefits.

TRANSITIONAL DUTY

Transitional duty offers time-limited, modified and meaningful work assignments to employees who, due to an on-the-job injury or illness, have been rendered temporarily incapable of meeting the physical demands of their usual duties. These assignments are modified to accommodate the physical limitations imposed by injury or illness, as determined by medical professionals involved in the care of the worker.

The Township works closely with the Case Manager, the employee and the Department Head to bring the employee back to work as quickly and reasonably as possible. The Township will make every effort on a case-by-case basis to accommodate an employee under the Americans with Disabilities Act (ADA) absent an undue hardship by the Township. When a transitional duty position is available, the employee must return to work however, transitional duty positions cannot be guaranteed.

The Township will not treat an employee with a disability less favorably than an individual without a disability or screen out an individual on the basis of disability in granting such requests for transitional duty. Bernards Township will grant such request, at its sole discretion, and on a case-by case basis in consideration of the medical report submitted by the workers' compensation physician, the recommendation of the insuring entity, and staffing needs and requirements. The Township reserves the right to grant, refuse or terminate a transitional duty assignment at any time without cause unless it is in conflict with the mandates of the ADA, FMLA, or NJFLA or other state or federal leave laws, where applicable.

The employee and/or the Third-Party Administrator ("TPA") are obligated to inform the Township of the employee's medical progress and the Township shall have the right to review same periodically. Transitional duty assignments may be in any department and not just the employee's normal department. Employees on transitional duty will receive their regular salaries. If a transitional duty assignment is approved, the employee or TPA must keep the designated human resources official informed of the medical progress. If, at the end of the transitional duty period the employee is not able to return to work without restrictions, the employee should contact the designated human resources official to discuss his or her options under state or federal law.

This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life- Threatening Illnesses Policy, or other Federal or State law.

The Township has established the following guidelines for transitional duty:

1. Transitional duty assignments are temporary in nature and made at the discretion of the Department Head and Human Resources Officer.
2. In order for transitional duty to be offered to an employee, the employee must be qualified to perform the transitional duty assignment or be able to be trained to perform the assignment.
3. All employees who are receiving Worker's Compensation indemnity payments and working transitional duty assignments must follow the restrictions imposed by the treating physician while engaging in all activities.
4. Refusal of a transitional duty assignment may adversely affect the employee's worker's compensation temporary disability benefits.
5. Employees shall follow the direction of the Nurse Case Manager and attend all scheduled medical and physical therapy appointments. The employee is responsible for notifying the Township when they are unable to report to their transitional duty assignment due to a scheduled medical appointment.

6. The employee's attendance batch will be entered and maintained by the department to which the employee is regularly assigned.

HOLIDAYS

The Township provides regular full-time and regular part-time employees with thirteen (13) paid holidays each year (8 hours per day maximum depending on the employee's regular work schedule). The Township Committee sets the holiday schedule each year through Resolution. Bernards Township reserves the right to change or delete the holidays set forth below. Employees represented by a union will follow their union contracts.

Regular part-time employees are eligible for holiday pay when the holiday falls on the employee's regularly scheduled workday. Part-time employees working less than 20 hours per week who are on a flexible work schedule do not receive holiday pay. Temporary/on-call and seasonal employees are not eligible for holiday pay.

The following schedule is representative of the holidays the Township Committee may approve:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Thanksgiving Day
Good Friday	Thanksgiving Friday
Memorial Day	Christmas Day
Independence Day	

WEEKEND HOLIDAYS

If the holiday falls on a Saturday, the preceding Friday shall be regarded and observed as a holiday. If the holiday falls on a Sunday, the following Monday shall be regarded and observed as a holiday.

ELIGIBILITY FOR HOLIDAY PAY

To be eligible to receive holiday pay, an employee shall work the regularly scheduled workday before the holiday and the regularly scheduled workday after the holiday, unless the employee is on a scheduled and approved absence with pay.

Terminated employees are not eligible for holiday pay for the holidays that fall after their termination date.

FLOATING HOLIDAY

At least one Floating Holiday is granted to eligible employees annually to a maximum of 8 hours, depending upon the employee's regular work schedule. If the Township Committee does not designate 12 holidays, additional Floating Holiday time can be granted, for a maximum of 13 holidays. The Floating Holiday must be approved by the Department Head. Regular part-time employees who work more than 20 hours per week are entitled to Floating Holidays on a pro-rated basis in accordance with paragraph two of this section, entitled "Holidays."

Newly hired employees with a start date prior to July 1 are eligible for Floating Holiday time.

The Floating Holiday has no cash value upon termination. All holidays must be used in the earned year and cannot be shifted or accumulated.



VACATION LEAVE POLICY

Time away from work to relax and pursue special interests is important to everyone. The following is a schedule of vacation time to be granted to regular full-time and regular part-time employees working 20+ hours per week. For part-time employees, vacation leave will be prorated according to time worked. Employees working less than 20 hours per week, temporary/on-call or seasonal are not entitled to the vacation time benefit. Vacation time is accrued through the course of the year at the conclusion of a full month.

For employees coming from other entities with similar work or government experience, recognition may be given to prior service credit in the calculation of vacation benefits.

LENGTH OF CONTINUOUS SERVICE	VACATION GRANTED
First Calendar Year of Employment	1 day for each full month of service to a maximum of 10 days (80 hours for 8-hour employee / 70 hours for 7-hour employee)
Subsequent Calendar Years (less than 3 years)	10 days (80 hours / 70 hours)
3 Years but less than 5 Years	13 days (104 hours / 91 hours)
5 Years but less than 10 Years	15 days (120 hours / 105 hours)
10 Years but less than 15 Years	18 days (144 hours / 126 hours)
15 Years but less than 20 Years	20 days (160 hours / 140 hours)
20 Years or more	1 day per year over the 20-year period – Limit of 5 days (168-200 hours / 147-175 hours)

Preference as to vacation dates is to be determined by seniority of service and approved by Department Heads, where applicable.

Vacations shall be taken in full day segments unless otherwise approved by the Department Head.

The vacation granted to employees each January 1 shall be based upon length of service as of their anniversary date. Vacation shall be taken during the calendar year (January 1st through December 31st). The Township strongly encourages employees to use all of their earned vacation during the current calendar year. An employee may carry over an amount to the next year as permitted by law but not to exceed the previous year's vacation entitlement. Additional vacation time beyond the one-year threshold shall be considered forfeited.

At the time of separation from service for reasons other than termination for cause, the employee shall be entitled to pay on a prorated basis for any vacation time accumulated and not used. Employees terminated for cause or resigning without two weeks' notice shall forfeit accumulated unused vacation time at termination.

Unless specifically authorized by the Township Committee in advance, extra compensation will not be allowed in lieu of unused vacation.

When a Township holiday falls during a scheduled vacation, it is not counted as a vacation day.

Employees represented by a union will follow their union contracts with respect to vacation allocation and use.

SICK LEAVE POLICY

Sick time is a benefit which is to be used in accordance with the New Jersey Earned Sick Leave Law. Additionally, the Township will comply with any collective bargaining agreements in existence regarding sick time.

The Township does not provide a short-term disability policy, nor does it participate in the State disability plan. Each regular full-time employee will accrue twelve (12) days (96 hours or 84 hours based on an 8-hour or 7-hour day). Regular part-time employees working 20+ hours/week will have prorated hours available in each year. Employees working less than 20 hours/week will accrue 1 hour of sick time for every 30 hours worked.

ACCRUING SICK TIME

Any sick time not used will be added to the sick time available for the following year. The total amount of sick time that can be accumulated is unlimited for regular full-time employees and regular part-time employees working 20+ hour/week. Employees working less than 20 hours/week are eligible to carry over up to 40 hours into the following benefit year. Non-union employees who work 20+ hours/week may be eligible for an employer sponsored contribution into a Retirement Health Savings Program, subject to the terms of that Program. Employees covered by collective bargaining agreements who leave the Township are eligible for payment of their accumulated unused sick time in accordance with those agreements. Employees leaving the Township for any reason prior to retirement will forfeit all accumulated unused sick time.

REPORTING SICK FROM WORK

To be eligible for sick pay, employees unable to report to work due to illness must report his or her illness directly to their supervisor as early as possible in the morning of the day that the absence occurs. If their supervisor is not available, the Supervisor's designated representative in their absence must be contacted.

After four (4) consecutive days of sick leave, or a continuous pattern of sick leave, the Department Head should contact Human Resources, who may require a physician's certificate of illness. The Township reserves the right to send the employee to a physician at the Township's expense when a pattern of sick leave or an extended sick leave occurs.

In extraordinary circumstances, if the amount of sick leave credit provided for under this policy has been or is about to be exhausted, an employee may make application to the Township Committee, or as appropriate the Board of Health, Library Board or Sewerage Authority for an additional allowance. The committee shall make a determination on the application after reviewing all circumstances, including the employee's attendance record prior to the illness, which necessitated the request.

PERSONAL TIME

Regular full-time and regular part-time employees working 20+ hours per week are eligible for three (3) days (24 hours or 21 hours based on an 8-hour or 7-hour day or prorated hours for part-time employees working 20+ hours/week) available in each calendar year. Personal time is accrued throughout the course of the year.

Personal time is to be used at the employee's convenience for conducting essential personal business, such as, but not limited to, religious observance, funerals, closing on a home, moving, doctor's visits, etc.

Personal leave will be counted in at least one-quarter day segments and requires the employee's Supervisor's advance approval.

Personal time will not accumulate from year to year. Any unused personal time can be used as sick days if all other sick leave has been exhausted. Using unused personal time as sick time must be coordinated through Human Resources. Refer to the section on **Retirement** for details on the treatment of unused personal time at retirement.

Other than as part of a retirement program described elsewhere in this Handbook, personal time has no cash value at termination.

BEREAVEMENT LEAVE

In the unfortunate event of a death in the immediate family or of a relative who resides with the employee, bereavement leave will be granted to regular full-time and regular part-time employees of the Township. For those who are eligible, leave of up to five (5) days with pay is granted in the event of the death of an employee's parent, spouse or child as well as the spouse's parent or child/dependent. A regular full-time employee is eligible for a leave of up to three (3) days with pay in the event of the death of other immediate family members as defined below. Regular part-time employees are eligible for up to three (3) consecutive days of bereavement leave with pay if the days fall on their regularly scheduled workdays.

The term "other immediate family" shall include brother, sister, brother-in-law, sister-in-law and grandparent or grandchild of the employee or the employee's spouse. If circumstances demand that additional time be taken, an employee may use available personal days, vacation days, or compensatory time. If an employee is not eligible for paid time off, the Supervisor may grant an unpaid leave.

Employees should make their supervisor aware of their situation. In turn, the Supervisor should notify Human Resources of the reason and length of the employee's absence.

Upon returning to work, the employee must code his/her absence as a bereavement leave in EDMUNDS, noting their relationship to the deceased in the "Entry Description" section. Proof of death and relationship to the deceased may be required.

JURY DUTY

A regular full-time or part-time employee with a standard workweek of 20 hours or more who loses time from his/her job because of jury duty, shall be paid for lost time at his/her regular rate of pay. Any Jury Duty wage compensation received by the employee should be turned over to the Township. Compensation received for mileage should **not** be turned over to the Township. A part-time employee whose regular workweek is less than 20 hours is not eligible for salary continuation during jury duty leave but will be given time off without pay while serving jury duty.

The employee must notify their Supervisor immediately upon receipt of a summons for jury duty. The time taken off for Jury Duty should be entered into EDMUNDS, using the Jury Duty code.

An employee, released from Jury Duty on any day more than two hours prior to the end of their normal work schedule, shall be required to report by telephone to their Department Head. Normally, the employee will be expected to return to work. If the employee fails to return to work, he/she will not be paid for the remaining time for which they were required to return to work.

Upon completion of Jury Duty, the employee must submit a signed *Certificate of Jury Service* indicating the number of days served to their Supervisor. A copy of the *Certificate of Jury Service/Summons* should be forwarded to Human Resources for placement in the employee's personnel folder.

MILITARY OR NATIONAL GUARD LEAVE

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 member of the reserve component of the Armed Forces of the United States will be granted a leave of absence without loss of pay or time on all workdays on which he or she is engaged in any period of Federal active duty, up to 30 workdays in a calendar year, or 90 workdays for New Jersey National Guard members. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for up to one year from the start of the leave.

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 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 calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the (local unit type) 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.

LEAVE UNDER THE FAMILY & MEDICAL LEAVE ACT (FMLA)

The Township recognizes that from time-to-time employees may require a leave of absence to attend to certain family or medical situations. In accordance with the federal Family and Medical Leave Act ("FMLA"), the Employer provides eligible employees with up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees' rights and obligations under the FMLA and the Township's policies implementing the FMLA.

LEAVE AVAILABLE

Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for any one or more of the following reasons:

1. The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;
2. A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or
3. A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee's inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);

4. Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the Regular Armed forces, National Guard or Reserves on active-duty status during the deployment to a foreign country, and or has been notified of an impending call to active-duty status as such in support of a contingency operation.

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Servicemember shall be entitled to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for the Covered Servicemember. During this single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Servicemember shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

DEFINITIONS

Covered Servicemember means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member's initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

Eligible Employee means an individual who has been employed by the Employer for at least twelve (12) months, has worked at least 1,250 hours during the preceding twelve (12) month period, and is employed at a worksite with at least fifty (50) employees within seventy-five (75) miles of that worksite.

Next of kin means the nearest blood relative of the individual.

Qualifying Exigency covers a number of broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the employer and the employee.

Serious Health Condition means an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.

Serious Injury or Illness means an injury or illness incurred by a Covered Servicemember in the line of duty or on active duty in the Armed Forces, National Guard of Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active-duty service, that may render the service member medically unfit to perform the duties of the member's office, grade, rank or rating.

ELIGIBILITY

Any employee who has been employed by Bernards Township for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period.

****NOTE:** The twelve (12) month period shall be determined by using a rolling twelve (12) month period that commences with the first day of leave taken.

Employees are eligible for up to twelve (12) weeks of family/medical leave in a twelve (12) month period (measured forward from the date an employee's first family/medical leave begins) if they have been employed at the Township for at least twelve (12) months (need not be consecutive) and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. Under certain circumstances, eligible employees may be entitled to additional family/medical or other leave beyond 12 weeks, due to the overlapping of state and federal law. Employees with over 1,000 regular hours worked but less than 1,250 hours may also be eligible for leave through the NJ

Family Leave Act. Employees should contact the Human Resources Officer when a question regarding leave arises. In addition, employees may be granted additional leave at the discretion of the Township.

Leave to care for a child after birth, adoption, or foster care must conclude within twelve (12) months of the child's birth or placement. If both spouses work for the Township, they may only take a total of twelve (12) weeks between them during the twelve (12) month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition and a combined twenty-six (26) weeks in a single twelve (12) month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reasons. Each spouse may be entitled to additional leave for other qualifying reasons under the FMLA, such as the employee's own illness or for the serious illness of the employee's child.

NOTICE REQUIREMENTS

When planning a family or medical leave, employees should make all reasonable efforts to minimize the disruption to Township operations. Employees seeking leave, to the extent that such leave is foreseeable, must provide at least fifteen (15) days prior notice for leave to care for a family member, and at least thirty (30) days prior notice for leave for any other reason. In emergent circumstances, employees must provide such notice as soon as practicable. Written request forms are available from, and must be submitted to, the Human Resources office at the time of notice to the Township. The Human Resources Officer, Township Administrator, Health Officer, Library Director or Sewerage Authority Director, will be responsible for granting or denying a request for family or medical leave. In addition, employees must complete a REQUEST FOR FAMILY AND MEDICAL LEAVE form prior to taking leave. This form will be provided to employees after a request for leave is received.

HEALTH CARE PROVIDER CERTIFICATION FORM

Employees requesting medical leave to care for a seriously ill family member, or for the employee's own serious health condition, must provide the Human Resources office with a written certification from the health care provider certifying the need for leave. Failure to provide the certification required by the Township may result in denial or postponement of leave. HEALTH CARE PROVIDER CERTIFICATION forms are available from the Human Resources office.

The Township, at its expense, may require an examination by a second healthcare provider designated by Bernards Township. If the second healthcare provider's opinion conflicts with the original medical certification, the Township, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member. For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Servicemember to support such leave.

****NOTE:** Absent unusual circumstances, medical certifications must be provided within fifteen (15) days. Bernards Township will also require periodic status reports from employees concerning their intended return date.

FAILURE TO PROVIDE REQUESTED DOCUMENTATION MAY RESULT IN DENIAL OF LEAVE

The Township may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the

Township may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

USE OF PAID TIME OFF

Per Resolution 060370, employees taking leave for the care of a newborn child, or a seriously ill family member, or for the adoption or placement of a child, or for their own serious health condition, all as outlined under the provision of the FMLA, may use accrued sick days, floating holidays, personal days and vacation days. The remainder of the leave will be unpaid.

Depending upon the circumstances, employees may be entitled to receive paid family leave benefits or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's FMLA leave and employees may not receive more than 100% of salary at any time.

COORDINATION WITH OTHER LEAVE POLICIES

The period of time attributable to the employee's absence due to any workers' compensation, disability, or sick leave, will be counted against available leave under this policy to the extent permitted by law. In the event that additional family, medical or sick leave is available pursuant to state laws, this leave will also run concurrently with FMLA leave to the extent permitted by law.

LEAVE MAY BE TAKEN:

1. consecutively,
2. intermittently (*in separate blocks of time*), or on a reduced leave schedule (*fewer hours in a day or days in a week*), when medically necessary, in the event of the employee's own serious health condition,
3. intermittently, when medically necessary, or on a reduced leave schedule in the event of the serious health condition of the employee's family member,

INTERMITTENT LEAVE

When medically necessary, leave taken because of a serious health condition of an employee or family member or to care for a Covered Servicemember may be taken on an intermittent or reduced work schedule basis. The employee and the Township shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the Township's operations, subject to the approval of the employee's health care provider. Bernards Township may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternative position with equivalent pay and benefits that is better suited to the leave schedule.

CONTINUATION OF HEALTH INSURANCE AND OTHER BENEFITS

The Township will continue to maintain coverage under its group health plan for eligible employees during a family or medical leave for up to twelve (12) weeks. The employee is responsible for his/her employee contribution for insurance during this time and must make financial arrangements with the Finance department to ensure their portion of the premium is paid if the leave is unpaid. Employees, at the sole discretion of the Township or as required by law, may be granted additional leave without continuation of health care coverage. The employee is responsible for all other benefit costs incurred during their leave.

RETURN FROM LEAVE

An employee returning from a medical leave taken for his or her own serious health condition must provide a certification from his or her health care provider that he or she is able to return to work and to perform the essential functions of his or her job with or without accommodation. Failure to provide the required certification may result in the denial or postponement of reinstatement.

Upon expiration of an employee's leave, the Township will reinstate the employee, except those who would have been affected by a reduction in force or layoff had they not taken leave, to the same position, or to an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment which the employee enjoyed prior to his or her leave.

To the extent possible, employees should make every effort to notify the Human Resources office at least two (2) business days in advance if they intend to return to work before the expiration of the scheduled leave or to take more leave than originally requested.

Although taking leave will not result in the loss of any employment benefit that accrued prior to the start of the leave, employees who have exhausted their allowed paid time off will not accrue additional benefits, such as vacation, during any unpaid FMLA leave period. Employees who use accumulated paid time off (sick, vacation, personal or floating holidays) for FMLA reasons will continue to accrue additional paid time off for this previously accumulated time.

The National Defense Authorization Act, provides that employees may be eligible for an unpaid military caregiver leave for up to twenty-six (26) weeks in a year to care for a family member who is a covered military member with a serious injury or illness or up to twelve (12) weeks in a year for a qualifying exigency arising out of the fact that the employee's family member is on (or has been notified of an impending call to) covered active duty in the National Guard, Reserves, or Regular Armed Forces. Examples of a qualifying exigency includes, but is not limited to, attending official ceremonies or family support or assistance meetings, attending to childcare matters, attending to financial and/or legal matters, or counseling. Employees should contact the Human Resources office for further information about entitlement to leave and the required procedures.

FAILURE TO RETURN FROM FMLA LEAVE

A failure to return from FMLA leave for reasons other than the employee's own serious health condition may result in termination of employment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, they must contact the Township before the expiration of the leave to discuss their options under state and federal law. State leave laws may provide additional leave similar to that provided under the FMLA. The Township will comply with these state law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

FAMILY TEMPORARY DISABILITY

During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

NEW JERSEY FAMILY LEAVE

Bernards Township provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA).

ELIGIBLE EMPLOYEES

To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the Employer and have worked at least 1,000 hours for the Township over the previous twelve (12) months.

QUALIFYING REASONS FOR LEAVE

An employee may take NJFLA leave for the following:

1. To care for a newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.
2. To care for a family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.
3. In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which:
 - a. requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of public official due to the epidemic or other public health emergency;
 - b. prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or
 - c. results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

***NOTE:** Leave taken to care for a newly born or adopted child or a child placed into foster care with the employee may be consecutive or intermittent and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

LEAVE BENEFITS

An employee may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

You may take NJFLA leave to care for a seriously ill family member:

1. As a single block of time.
2. By reducing your normal work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
3. Intermittently, when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Township's operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

Depending on the purpose of the employee's leave, the employee may choose to use accrued paid leave, concurrently with some or all of his/her NJFLA leave. The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of NJFLA leave. The Township will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

REQUIRED NOTICE AND CERTIFICATIONS

When requesting NJFLA leave, an employee must provide the Township fifteen (15) days' advance written notice. If advance written notice is not possible because of an emergency, the employee must provide the Township with reasonable oral notice and then follow up with written notice.

The employee also must give the Township a medical certification supporting the need for leave. The Township reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the Township. If an employee fails to provide the required documentation, the Township may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with the Township's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

BENEFITS PROTECTION

During a family leave of absence, the employee's health benefits will be maintained under the same conditions as if the employee continued to work. If the employee decides to return to work when his/her family leave of absence ends, the employee may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee decides not to return to work when the family leave of absence ends, the employee will be required to reimburse the Township for the health insurance premiums paid on his/her behalf during the leave of absence (except if the failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle the employee to a leave of absence under the law or other circumstances beyond the employee's control).

With regard to any pension contributions, the employee must contact Human Resources and/or Finance to make payment arrangements concerning contributions or credits paid toward his/her pension benefits. Employees should consult with the Township prior to taking an approved leave.

RETURNING TO WORK AFTER NJFLA LEAVE

On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the twelve (12) week NJFLA entitlement will be subject to the Township's standard leave of absence and attendance policies. This may result in termination if the employee's continued absence is unauthorized (for example, if the employee has no other Township-provided leave available to him/her).

RETALIATION PROHIBITED

The Township and the NJFLA prohibit the interference with restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. Bernards Township encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the human resources officer.

NEW JERSEY FAMILY LEAVE INSURANCE

During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee’s job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Employees must provide the Township with advance notice of need for leave, as follows:

1. At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
2. In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.
3. At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

The State of New Jersey determines if the employee is eligible to collect the NJPFLI. The Township provides approval for New Jersey Family Leave (NJFLA) and the federal Family and Medical Leave (FMLA).

The NJ Paid Family Leave (NJPFL) is funded by employee contributions. The Township is required to deduct the contributions and submit them to the State. The taxable wage base for Family Leave Insurance benefits is the same as the taxable wage base for Unemployment benefits.

Employees are eligible for benefits under this law if they:

1. Worked at least 20 weeks in covered employment; or
2. Earned at least 1,000 times the applicable minimum wage in covered employment during the preceding year.

The procedure for requesting a New Jersey Family Leave (NJFLA) and/or a federal Family and Medical Leave (FMLA) is for employees to submit their requests in writing to Human Resources with as much advance notice as possible; in emergent situations, as soon as administratively possible.

UNPAID MATERNITY, PATERNITY, ADOPTION LEAVE

This policy extends the terms and conditions of the leave available under the Family and Medical Leave Act or New Jersey Family Leave Act from 12 weeks to up to 24 weeks consecutively. Thus, unpaid parental or adoption leave to care for the child may be granted for up to a total of 24 weeks consecutively.

Employees may use accrued floating holidays, personal days, vacation days, sick days and comp time for this leave. As part of the twelve-week leave extension, an employee must first exhaust all accrued paid time off, except for sick time, prior to taking leave without pay. Employees taking leave without pay will not accrue additional paid time off, including but not limited to vacation, sick or personal time.

An employee may take a reduced or intermittent leave only with the consent of the Department Head. The entire leave must be used within 12 months of the birth or placement of the child. This twelve-week unpaid leave extension for maternity, paternity or adoption is available once every two years.

Any extension of the unpaid twenty-four-week leave can only be granted by the Township Committee.

PERSONAL LEAVE OF ABSENCE WITHOUT PAY

Should a situation arise, other than that set forth above, that temporarily prevents an employee from working, he/she may be eligible for a personal leave of absence without pay. This leave will only be approved for a major life event or medical event which results in a hardship for the employee.

Any request for a personal leave of absence without pay must be submitted in writing as far in advance as possible to the employee's Department Head. The Department Head must also sign-off on the employee's written request and forward it to the Human Resources Officer for consideration by the Township Administrator or, as appropriate, Health Officer, Library Director or Sewerage Authority Director, who will review each such request on a case-by-case basis. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance and punctuality record, the reasons for the leave, the effect the employee's absence will have on the work in the department and the expectation that the employee will return to work when the leave expires.

Leaves of absence will be considered only after all vacation and personal time have been exhausted. Vacation, personal and sick time is not accrued during the period of the unpaid leave.

CONTINUING HEALTH BENEFIT PLAN COVERAGE

While on a personal unpaid leave of absence, an employee's medical coverage will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation.

Unemployment Insurance benefits cannot be collected while on an unpaid leave of absence.

Long Term Disability coverage ends on the last day of employment prior to the leave beginning.

SALARY ACTION

Any planned salary increase for an employee returning from an unpaid leave of absence without pay will be deferred to the next annual salary adjustment.

VACATION AND PERSONAL TIME

Accrued, unused vacation and personal days must be used before an unpaid leave of absence will be granted.

PERFORMANCE APPRAISAL

The normal performance appraisal date of an employee on an unpaid leave of absence will be extended to the next applicable review period.

RETURNING/NOT RETURNING FROM A LEAVE

The Township cannot guarantee either that an employee's job will remain available or that a comparable position will exist when return from a personal unpaid leave is sought. When an employee is ready to return from a Leave of Absence Without Pay, the Township will attempt to reinstate the employee to his/her former position or to one with similar responsibilities.

If the position or a similar position is not available, the employee will be terminated.

An employee who returns to work following an unpaid leave will be considered as having continuous service. If an employee does not return from a personal unpaid leave of absence, the termination date is the last day of the authorized leave period or the date the employee notifies his/her Supervisor/Department Head that he/she is not returning, whichever is sooner.

VOLUNTEERING FOR EMT AND/OR FIRE COMPANY SERVICE

Bernards Township depends on volunteers for the essential EMT Rescue Squads and Fire Companies. If a regular employee wishes to volunteer for these organizations, they will be allowed to take these calls during their workday, subject to work conditions and supervisory approval.

To do this an employee must pass all required Squad or Company certifications and tests. The employee's name will be added to the list of "active" members, and they will be placed in rotation to accept calls.

If an employee receives a call they must notify their supervisor first, who will determine if they may leave their work area to participate in the call. Permission shall only be granted if there will not be a disruption to departmental operations, and the organization is able to maintain efficiency.

If an employee is called out for such service, they will be paid their regular rate of pay while on the emergency call.

An employee must advise their supervisor when they return from a call. All such callouts must be documented and approved prior to accepting the call.



ALCOHOL & DRUG-FREE WORKPLACE

Bernards Township is committed to maintaining a safe, healthy and efficient working environment. Employees have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of drugs or alcohol in the workplace poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment.

As a condition of employment, all employees are required to abide by the terms of this policy and to notify the Township of any criminal drug or alcohol statute conviction for a violation occurring no later than five (5) days after such conviction.

The Township further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from drugs and alcohol. Bernards Township's Designated Employer Representative (DER) is Tom Nicoletti (Supervisor of DPW). The Alternate DER is Emily Kesselmeier (Human Resources Officer).

To the extent this Policy supplements, and does not conflict with current collective bargaining agreements, it is applicable. However, to the extent this policy may conflict with a current collective bargaining agreement (CBA), the CBA shall prevail.

WHO IS TESTED?

All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following positions have been classified by the Township as safety sensitive. This policy applies to all departments, all employees (including all contracted employees and volunteers) and all job applicants. Elected officials who are not otherwise classified as employees are not subject to testing under this policy.

SAFETY-SENSITIVE EMPLOYEES

Safety-sensitive employees are those employees who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Safety-sensitive employees include the following positions:

1. All Department of Public Works employees
2. All sworn members of the Police Department
3. All crossing guards
4. All members of the Township's volunteer fire departments and first aid squads

CDL DRIVERS

This policy and 49 CFR Part 40 Regulations of the U. S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, are integral parts of this Policy and apply to all covered employees. They may be viewed at

<http://www.dot.gov/odapc> Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping, and all other procedural requirements shall adhere to 49 CFR Part 40.

Bernards Township shall test, in accordance with Federal regulations, employees required to have a Commercial Driver's License (CDL) for the use of controlled substances that violate law or Federal regulation and the misuse of alcohol.

All employees whose job requires them to possess a CDL license, including applicants for positions that require a CDL license, shall be subject to random testing pursuant to Federal and State regulations. No driver shall use alcohol or be under the influence of alcohol within 4 hours before going on duty or operating or having physical control of a commercial motor vehicle.

Testing procedures for CDL drivers employed by Bernards Township are outlined in Appendix A – entitled CDL CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY attached to this handbook.

POLICE

Police personnel shall be subject to this policy as well as current police department Internal Affairs, Drug Testing and/or any and all applicable policies, directives, rules and regulations regarding the use, possession or being under influence of alcohol and/or drugs.

DEFINITIONS

Township premises/ facilities - All property of the Township, including, but not limited to, the offices, facilities and surrounding areas of Township-owned or leased property, parking lots and storage areas. The term also includes all Township owned or leased vehicles and equipment wherever located, and includes all other premises or facilities visited by employees in the course of their employment.

Reasonable Suspicion - A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as: observable phenomena – such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

EMPLOYEE RESPONSIBILITIES

Each employee has the responsibility to:

1. Report to work at all times free of alcohol or drugs and their effects.
2. Be aware of the Township's *Alcohol-Free and Drug-Free Workplace Policy*.
3. Seek assistance for alcohol and other drug abuse or related problems through an approved program before job performance is impacted.
4. Support the Township's efforts to eliminate alcohol and other drug abuse among employees.

Supervisors and other management personnel will be trained in detecting the signs and behavior of employees who may be using illegal drugs or alcohol at work.

REASONS FOR TESTING

Pre-employment: Drug testing will be performed on ALL final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment. All other applicants for employment may be subject to drug testing. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.

Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the Township has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the employee will not suffer a loss of pay.

Post-Accident/Incident Testing: Testing of a safety-sensitive employee may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee's action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Township's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers' Compensation Carrier or Fund.

Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees. Non-DOT safety-sensitive employees may be included in a non-DOT testing "pool." DOT regulated employees should only be placed in a DOT testing "pool."

Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

EMPLOYEES WHO TEST POSITIVE

The Medical Review Officer will contact the employee confidentially to give them an opportunity to discuss their results before reporting them to the Township as a verified positive. The employee may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the Township for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the Township that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Township if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of Bernards Township Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant who was given a

conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

As it relates to cannabis, an employee will be subject to adverse action if there is both a positive drug test, confirmed by a licensed laboratory, and a determination of reasonable suspicion based on documentation of physical signs or other evidence of impairment during the employee's work hours. When the New Jersey Cannabis Regulatory Commission issues standards for certification of a Workplace Impairment Recognition Expert ("WIRE"), an employee will be subject to adverse action if there is both a positive drug test and a physical evaluation by a WIRE.

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for cannabis, except for law enforcement officers assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for cannabis by the terms of a federal contract or federal grant.

FAILURE TO FOLLOW SAFETY GUIDELINES

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use Township provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of Township policy.

AUTHORIZED USE OF PRESCRIBED MEDICATION

Any employee is required, as a safety rule, to disclose that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This disclosure must be made to the Human Resources Officer prior to the employee performing their job duties. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by an employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Township reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of their duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The employee need not disclose to the Township the medication or medical condition involved to fulfill the disclosure obligation of this Policy. An employee may continue to work under the influence of a prescribed drug only if, after consultation with medical professionals, it is determined that such use does not pose a safety risk and the employee's job performance is not negatively impacted and/or cannot be reasonably accommodated. If justified by medical information and the employee's work performance, the Township may restrict an employee's work activity, place the employee on a leave of absence, or take other appropriate action in compliance with law.

All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Township, will make the final determination on the safety-related risks of any particular medication or substance.

ADULTERANTS

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of this Policy. The same would be true if you attempted to substitute a

specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10*. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

DRUG EDUCATIONAL INFORMATION

Added to the end of this policy you will find drug educational information to assist you in recognizing the impairing effects of drug use. Bernards Township will conduct employee education on substance abuse and awareness and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the Employee Assistance Program.

REFUSAL

A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer to be withdrawn and will subject an employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours of being directed to do so is also classified as a refusal under the Township Policy.

VOLUNTARY IDENTIFICATION

The Township will assist employees who need support and help with alcohol or drug dependency via our Employee Assistance Program (EAP), a Substance Abuse Professional (SAP) or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g., where a person is working in a safety critical role) while the individual is receiving treatment. Bernards Township will not take adverse action against an employee making a voluntary admission of alcohol misuse or controlled substance use. The employee will have the opportunity to return to safety-sensitive duties upon successful completion of an education or treatment program and passing of appropriate testing and follow-up testing.

However, the fact that an employee is seeking or undergoing treatment will not be a defense to a charge of wilful misconduct if the employee reports for work under the influence of alcohol or drugs. Our Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through our EAP/SAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP/SAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP and may also be available under the health benefit program for employees, *only to the extent of the current benefits package*. The Township will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national **Substance Abuse Resources** as well as contact information for our Employee Assistance Program is listed at the end of this policy.

LAST CHANCE OPPORTUNITY

No last chance opportunity is available to a probationary, part time or temporary employee, or in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Employees who receive an EAP/SAP evaluation favorable for rehabilitation may be offered a last chance agreement which will subject the employee to unannounced

follow-up testing for up to 36 months, together with other educational and counseling requirements as recommend by the EAP/SAP. A negative return to duty test is required to be placed back on active duty. A positive test, refusal or failure to comply with any term of the last chance agreement during this follow-up period will subject the employee to immediate termination.

REASONABLE SUSPICION TESTING

Whenever the Township has reasonable individualized suspicion that an employee is under the influence of alcohol or illegal drugs, the employee shall be immediately prevented from engaging in further work by his/her Supervisor and Department Head and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative. The decision to test an employee shall be made by the Human Resources Officer after consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Director and legal counsel.

If the Township determines to test an employee, the employee will be given a direct order to submit to the test. Unionized employees shall be given the opportunity to have a Union Representative present if requested. The test will not be unreasonably delayed waiting for the attendance of a Union Representative. Refusal on the part of the employee to submit to a test shall be considered misconduct and shall subject the individual to discharge.

The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to sign the consent form or intentional interference with the effective operation of the test shall be considered misconduct and shall be grounds for discharge. Testing will be conducted in accordance with this policy.

RECORD MAINTENANCE

All testing information is considered confidential information by the Township and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the Township with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the employee against the Township, in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the employee in writing, the Medical Review Officer (MRO), Township insurers, rehabilitation programs and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to our Employee Assistance Program (EAP)/Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment if necessary. Notice of the Township's New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on Township premises.

DISCIPLINARY ACTION

Any person violating any of the provisions of this policy, including testing positive for illegal drugs and/or alcohol, will be subject to discipline up to and including termination of employment. Disciplinary action taken may be appealed to the Township Administrator, subject to applicable statutory appeal procedures and/or subject to the grievance procedures in individual union contracts. For non-union employees, the determination of the Township Administrator will be final and binding unless appealed to the Township Committee pursuant to "Disciplinary Action Procedure & Termination" policy.

Employees working in the Health Department, Library or Sewerage Authority can appeal a decision to the appropriate authority, i.e., the Board of Health, Library Board or Sewerage Authority.

At its discretion, based on the individualized circumstances of the case, the Township may provide a one-time opportunity to the employee to enter and successfully complete a rehabilitation program that has been approved by the Township at the employee's own expense. Costs not covered under the employee's health insurance plan shall be paid for by the employee. During rehabilitation, the employee will be prohibited from working and will be required to submit periodic updates to the Township. Upon successful completion of rehabilitation, the employee will be subject to unannounced drug and/or alcohol testing for a period of 36 months. In the event the employee fails to successfully complete the rehabilitation program or tests positive in a test conducted after rehabilitation, the employee will be terminated.

POLICY PROHIBITIONS

Employees, applicants and Contractors for Bernards Township are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Township premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
 - a. Testing positive in a confirmed drug or alcohol test or refusing to be tested.
 - b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Township premises or property, including Township-owned or leased vehicles, or vehicles used for Township purposes.
 - c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
 - d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Township will refer such matters to the appropriate police authority.
 - e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify Bernards Township in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the Township's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Township and other factors related to the impact of the employee's conviction on the Township.
 - f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
 - g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

- h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Bernards Township or its designee, is a violation of Township Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
 - i. Failure to advise pre-duty the Township of the use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.
 - j. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.
2. With respect to alcohol and cannabis, employees violate this Policy by engaging in the following conduct during work time or on Township premises or property:
- a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol or cannabis on Township premises or property, including Township owned or leased vehicles, or vehicles used for Township purposes.
 - b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol or cannabis. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol or cannabis. As it relates to a positive drug test for cannabis, an employee violates this policy if there is both positive drug test and evidence-based documentation of physical signs or other evidence of impairment during the employee's work hours. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
 - c. A conviction or plea of guilty relative to any criminal alcohol or cannabis offense occurring in the workplace. All employees must notify the Township in writing of any criminal alcohol or cannabis conviction not later than five (5) calendar days after such conviction. Alcohol or cannabis use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the Township's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the-job alcohol or cannabis offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Township and other factors related to the impact of the employee's conviction on the Township.
 - d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
 - e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol or drug testing, medical or physical tests or examinations, when requested or conducted by Bernards Township or its designee, is a violation of Township Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

- f. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol or cannabis.

EXCEPTIONS

The policy and procedures set forth herein do not supersede the policy and procedures established by the governing body regarding the use and consumption of alcoholic beverages in any municipal building, park and/or recreational facility as it pertains to an activity or affair either sponsored by the Township of Bernards or an outside organization using Bernards Township facilities. Such activities or affairs must have the prior approval of the Recreation Committee and/or the Bernards Township Committee. In such cases, the dispensing and consuming of any alcoholic beverages shall be in total compliance with Title 33 of the Statutes of New Jersey, including all rules and regulations promulgated under N.J.A.C. 13:2-1 et seq.

Due to the unique nature of police work, police officers may carry and/or transport alcoholic beverages or illegal drugs as part of their regular job requirement. This policy does not prevent the storage of confiscated alcohol and drugs in police evidence lockers. Any drug or alcohol testing will be in accordance with the New Jersey Division of Criminal Justice Guidelines. This policy does not supersede any protections afforded police officers under N.J.S.A. 40A:14-147.

DRUG EDUCATIONAL INFORMATION

ALCOHOL (DEPRESSANT)

Common Forms: Beer, wine, hard liquor

How Used: Oral ingestion, patterns of use vary.

Desired Effect: People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.

Time in body: Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is affected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.

Observable effects: Staggering gait, Slurred speech, Odor of alcoholic beverage, shaky hands, Poor eye-hand coordination, slowed reaction time, Eyes react slowly to light - wears sunglasses

Work behavior: Arrive late, leave early, mis-outs, Neglect of physical appearance, Restlessness, Tremors (hands, face, fingers, lips tongue), Slurred speech, Uninhibited - makes inappropriate remarks

Material: Empty liquor bottles, cans, often in paper bags

Indicators: Flasks, sometimes disguised as other things

Slang Terms: Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc.

AMPHETAMINES (AMPHETAMINE AND METHAMPHETAMINE) - STIMULANT

Common forms: Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.

How used: Orally, sniffed up the nose, or injected.

Desired effects: Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.

Time in body: Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.

Observable effects: Dilated pupils, Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.

Work behavior: Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.

Material: Pills, capsules, white powder, granular crystals

Indicators: Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections

Slang terms: Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties

COCAINE (STIMULANT)

Common forms: Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"

How used: Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.

Desired effect: Most commonly sought aftereffects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.

Time in Body: Single doses detectable for 12-24 hours

Observable effects: Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose.

Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness

Work issues: Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences.

Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep

Material Indicators: Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.

Slang terms: Coke, snow, toot, crack, blow, happy dust, "C"

MARIJUANA

Common forms: Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).

How used: Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.

Desired effects: Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.

Time in body: Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users

Observable effects: Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat).

Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e., going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.

Work issues: Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.

Material Indicators: Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.

Slang terms: Dope, grass, reefer, weed, ganja, pot, etc.

OPIOIDS (MORPHINE AND CODEINE) --NARCOTIC DEPRESSANTS

Common forms: Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric."

Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.

How used: Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.

Desired effects: Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole-body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.

Time in body: Single doses are usually detectable for 48-72 hours.

Observable effects: Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"--the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.

Work issues: Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).

Material indicators: Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.

Slang terms: Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

PHENCYCLIDINE (PCP)

Common forms: Pills, liquid, powder, and PCP cigarettes

How used: Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.

Desired effects: Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).

Time in body: Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.

Observable effects: Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).

High doses: Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.

Work issues: Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.

Material indicators: Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.

Slang terms: PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc.

SUBSTANCE ABUSE PROFESSIONALS - NATIONAL RESOURCES

A2Z Alcohol & Drug Abuse-Addiction	1-800-274-2042
Al-Anon/Alateen Family Group Headquarters	1-800-356-9996
Alcoholics Anonymous World Service.....	1-212-870-3400
American Council on Alcoholism Helpline.....	1-800-527-5344
800 Cocaine--An Information and Referral Hotline	1-800-262-2463
Nar-Anon Family Group Headquarters	1-310-547-5800
Narcotics Anonymous	1-818-773-9999
National Association of Alcoholism (NAADAC)	1-800-548-0497
www.naadac.org Fax:	1-800-377-1136
National Association of Addiction Treatment Professionals	1-717-581-1901
www.naatp.org	
National Council on Alcoholism and Drug Dependence, Inc.	1-212-269-7797
www.ncadd.org	
Hope Line (24-hour affiliate referral)	1-800-NCA-CALL
Center for Substance Abuse Prevention's Workplace Hotline ..	1-800-WORKPLACE
National Clearinghouse for Alcohol & Drug Information	1-800-729-6686
Center for Substance Abuse Prevention's Drug Information, Treatment & referral Hotline	1-800-662-HELP
(Spanish-Espanol)	1-800-66-AYUDA

APPEARANCE & IDENTIFICATION

It is expected that each employee will dress appropriately for his/her role and department, maintaining a neat, well-groomed appearance at all times. The standards for attire are established by the department head in consultation with the Human Resources Officer. Uniforms are the property of the Township and must be returned to the Township when an employee leaves its employ, or the employee

will be financially responsible for replacing the uniform. Work assignments will determine which type of clothing is appropriate and Supervisors will advise their employees of what is acceptable attire. If employees are unsure if something is appropriate to wear to work, they should check with their supervisor. If employees report to work in inappropriate attire, they will be sent home to change their clothes, utilizing paid time off. Rule of thumb is to be covered from top of the shoulders to right above the knee.

Employees are provided with a photo identification card, which they must have with them while representing the Township. The identification card is the property of the Township and must be returned to the Township when an employee leaves its employ.

ATTENDANCE, PUNCTUALITY & DEPENDABILITY

Employees are hired to perform an important function as part of a team. As with any group effort, it takes cooperation and commitment from everyone to operate effectively. Dependability, attendance, punctuality, and a commitment to do the job right are essential functions of all positions within the Township. As such, employees are expected at work on all scheduled workdays and during all scheduled work hours and to report to work on time. Good attendance is something that is expected from all employees and is an important responsibility – both to the Township and to co-workers.

It is recognized that there may be times when an employee's tardiness or absence cannot be avoided. When an employee knows they are going to be late or absent, they should speak directly to their supervisor or Department Head at least one hour prior to their scheduled starting time or at the least as early in the morning as possible on each day that the employee knows they will be late or absent.

An employee who fails to contact his/her immediate Supervisor or his/her designated representative may be considered as having voluntarily resigned. A record of absenteeism and lateness is kept by the employee's Supervisor and becomes part of their personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee's chances for advancement and may result in dismissal.

BULLETIN BOARD AND INTRANET POSTING POLICY

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

CELL PHONE AND MOBILE DEVICE POLICY

This policy outlines the use of personal cell phones at work, the personal use of business cell phones as well as the safe use of cell phones by employees while driving. This policy also applies to all mobile devices.

Any personal use of a cell phone or mobile device, either personal or provided by the Township, may not interfere with the conduct of the Township's business or interfere with an employee's performance of his/her job duties.

PERSONAL CELL PHONES/MOBILE DEVICES

While at work, employees are expected to exercise the same discretion in using personal cell phones/mobile devices as is expected for the use of Township phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the Township encourages is to limit personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the

Township's policy. Flexibility will be provided in circumstances demanding immediate attention. Abuse of this policy may result in disciplinary action.

The Township will not be liable for the loss of personal cellular phones or mobile devices brought into the workplace.

TOWNSHIP-OWNED CELL PHONES/MOBILE DEVICES

Township-owned cell phones/mobile devices may be issued to certain employees in the course of their employment with the Township. Such Township-owned devices are the sole and exclusive property of Bernards Township and are only to be utilized by employees in the course and scope of their employment during working time (any time in which the employee is engaged in or required to be performing work tasks for the Township).

USE OF TOWNSHIP-OWNED CELL PHONES/MOBILE DEVICES

1. Each employee will be provided with a plan that allows a specific number of minutes on a monthly basis. If an employee exceeds the allowable monthly minutes for non-work usage, the employee will be responsible for reimbursing the Township for the overage charge. The employee may provide reimbursement via payroll deduction. Failure to reimburse the Township for the cost of the plan overage will result in tax liability for the employee as well as possible disciplinary action. If the overage is due to business use, the employee should notify the Township so alternative plans may be reviewed.
2. Employees are expected, at all times, to respect the integrity of the Township-issued mobile device and to maintain the equipment in proper working condition. If the employee discovers or recognizes that the mobile device is not in proper working condition, it is the employee's responsibility to bring this fact to the attention of his or her supervisor immediately.
3. Employees in possession of a Township issued cellular phone/mobile device are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee must produce the device for return or inspection. Employees unable to present the device in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.
4. Employees who separate from employment with outstanding debts for device loss, damage or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.
5. Bernards Township reserves the right to monitor the use of all Township-issued mobile devices without notice, and any such data collected from the mobile device is the sole and exclusive property of the Township to be used for any purpose. Accordingly, the employee shall have no reasonable expectation of privacy in any transmissions made or received using a Township-issued mobile device.

MOBILE DEVICES AND ELECTRONIC MAIL ACCESS

Employees with mobile devices that have access to the Bernards.org mail server are subject to the following requirements to protect the security and integrity of Township data. This applies to personal devices and Township-issued devices.

1. The information Technology Director has the authority to clear any device that has established a connection to the Bernards.org mail server. Employees with remote access to the server release the Township of liability for the destruction and/or viewing of any personal information by the Information Technology staff when such action is taken on behalf of the Township's interests.
2. The Information Technology Director must be notified immediately in the event a device with remote access to the Bernards.org mail server is lost, stolen or compromised.

3. If a Township-issued mobile device is replaced, the original device must be returned to the Information technology Director.
4. Employees must abide by the privacy, security and other relevant procedures and policies established herein for their mobile device access and usage.
5. Employees with Township-issued mobile devices must have approval of the Information Technology Director to load any applications onto the devices.
6. At termination, the supervisor must identify all devices for which an employee has access to the Bernard.org mail server. The Information Technology staff will remove such access. If necessary, this may include wiping the device clear of all applications.
7. Upon termination of employment or in the instance of an upgrade to the employee's mobile device or service, the employee must return the Township-issued device to the Township.

INSTANT MESSAGING ON MOBILE DEVICES

Misuse of Instant Messaging in any form is grounds for disciplinary action up to and including termination of employment. Instant messaging may be used solely for business purposes.

SAFETY ISSUES FOR CELLULAR PHONE USE

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone/mobile device for business must use a hands-free device while driving township vehicles and personal vehicles.

Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

USE OF CAMERA/VIDEO FUNCTION

The use of the camera/video function on personal or Township-provided mobile devices is prohibited, unless for business reasons and with authorization of the employee's Supervisor.

Violations of this policy will be subject to the highest forms of discipline, including termination.

COMPUTER USE, ELECTRONIC MAIL & INTERNET POLICY

The Township's e-mail, voicemail, computer systems and Internet service are provided to employees for official Township business to benefit Bernards Township and its residents. Use of these for all other non-business purposes during working time is prohibited. This includes, but is in no way limited to, the use of computers or Township-issued mobile devices, use of social networking, gaming or TV/video. "Working time" shall be defined as any time in which the employee is engaged in or required to be performing work tasks for Bernards Township. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and mealtimes.

Personal use of any computer during working time (as defined above) is prohibited, unless expressly authorized by the employee's supervisor.

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions, communicate with each other; or engage in other concerted activities for their mutual aid and protection.

Note: All e-mail, voicemail, text, and internet messages are official documents subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.

The use of computers, e-mail and the Internet are essential tools for certain employees. All employees are encouraged to use computers, e-mail and the Internet; however, it is the responsibility of the employee to guarantee that these systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper, effective, ethical and lawful manner at ALL times. To ensure that all employees are responsible with using these devices and services and are protecting the Township's public image, the following guidelines have been established:

CONFIDENTIALITY, PRIVACY & MONITORING

1. All township owned computers are to be used for business purposes only during working time (as defined above), and employees have no expectation that any information stored on a township owned computer is private. Because e-mail messages are considered as business documents, the township expects employees to compose e-mails with the same care as a business letter or internal memo.
2. All Township electronic systems, including e-mail, telephone, Internet systems and instant messaging as well as all the messages thereon, are the property of the Township. All documents, information and data created, stored and/or copied to the Township's computer system are the property of the Township and may not be copied or in any form transmitted to a third party other than in the ordinary course of business on behalf of the Township.
3. The Township reserves its right to monitor, inspect, copy, review, and store any files, messages, information, internet usage, software, and other content created, sent, received, downloaded, uploaded, accessed or stored through its computer and communications systems with or without notice, at any time, at the Township's discretion. By using Township e-mail, computer systems, voicemail and the internet, each user agrees that Bernards Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, voicemail and the internet. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Township computers, cell phones or email accounts. The Township's right to access, monitor and disclose the contents of computer files, documents and emails of Police Department personnel shall be exercised under the discretion of the Township Administrator and/or his designee in consultation with the Chief of Police and the Human Resources Officer.

INTERNET USE

1. Employees accessing the internet are representing the Township. All communications should be for professional reasons.
2. Use of the Internet and or Township computer system for personal purposes or reasons unrelated to the work of the Township is permitted only in cases of emergency or where such use is minimal and incidental. Incidental and occasional personal use of e-mail and Internet access is subject to the same policies, procedures and legal considerations that apply to business-related e-mail and Internet use. Incidental and occasional personal use must be done on employee time such as during lunch or breaks. Such personal use is permissible so long as the incremental cost is negligible, does not interfere with the conduct of the Township's business or interfere with an employee's performance of his/her job duties and no Township policies or laws are violated. Excessive personal use and personal use in violation of this policy can be grounds for discipline up to and including termination. Personal use of the Township's Internet access and e-mail constitutes the user's consent to the Township to monitor, read, and use in any way any message, record, or other information created by the personal use.
3. Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to employees, and since Bernards Township can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party.
4. Databases and information systems may be accessed for data as needed for Township business.

- a. The Township reserves the right to block or cancel an employee's access to Internet sites or the Internet as a whole while using business computers or on Township time.
- b. Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
- c. The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Township or generated by the employee, do not restrict or eliminate the Township's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.
- d. Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- e. The Employer's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an employee's personal use of the Township's computer, e-mail and connection to the Internet shall not interfere with the employee's duties and shall comply with the Township's policies and all applicable laws.
- f. Any messages or transmissions sent outside of the organization via e-mail, or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted and should consider a more secure method of communication for such data.
- g. Because postings placed on the Internet may display the Township's address or other Township-related information, and thus reflect on the Township, make certain before posting such information that it exhibits the high standards and policies of the Township. Under no circumstances shall data of a confidential nature (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- h. If you identify yourself as an employee in any manner on any internet posting or blog, comment on any aspect of the Township's business or post a link to the Township, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of Bernards Township or anyone associated/affiliated with Bernards Township."
- i. Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by the Township. Any other subscriptions are prohibited.
- j. All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Township's Network Administrator before downloading.
- k. Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using a Township computer. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination-based material; attempting to disable or compromise the security of information contained on the Township's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination-based messages. If an employee receives a message that is representative of an "unauthorized use" of the Township's electronic media from someone outside of the Township, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- l. Employees who maintain personal web pages and web sites, including but not limited to Facebook, YouTube, MySpace, Twitter, etc., shall not post information on such sites that

would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for disciplinary action if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the policies of the Township. Moreover, employees should not use these systems during the workday or their work hours for soliciting or advocating with others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

- m. Employees may not use the e-mail, voicemail, Internet computer network systems, or any other Township-issued electronic devices in any way that may be insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons. 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.
- n. Your Internet postings **SHOULD NOT VIOLATE ANY OTHER APPLICABLE TOWNSHIP POLICY**, including, but not limited to, the Township's Anti-Harassment and Discrimination Policies.
- o. Employees are prohibited, unless for an official police purpose as authorized by the Chief of Police, from using their personal communication device to copy and/or upload any work product, confidential communications, interoffice memorandum, timecards, or photographs of the interior of the office. Personal communication devices are defined as, but not limited to, tablets, laptops, text-messaging devices and pagers.
- p. The Internet and email system should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of the Internet or Township e-mail for personal gain, family businesses, charity, donations, children's activities, etc. is strictly prohibited.
- q. Use of the Internet or e-mail system must not disrupt the operation of the Township network or the networks of other users.
- r. All communication on behalf of the Township or relating to Township business must be done through the bernards.org email account assigned to Township employees as needed. Use of personal email accounts, texts and other transmissions including those made on personal, password-protected, web-based accounts to engage in Township business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA, NJSA 47:1A-1 et. seq.).
- s. Township business which is conducted by an employee on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

SOFTWARE

1. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done directly through the Information Technology Department, whether from the IT Director or an active employee within the IT Department, as authorized by the Director. All requests are to be submitted via email to the IT Department.
2. Downloading or misusing software available through the Internet is prohibited as it could violate copyright laws or licensing requirements.

COPYRIGHT ISSUES

1. Copyrighted materials belonging to entities may not be transmitted by Township employees on the Internet. One copy of the copyrighted material may be downloaded for an employee's own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner.
2. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

WORK PRODUCT OWNERSHIP

1. The Township retains legal ownership of the work product of all employees. Work product includes written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for Bernards Township regardless of whether the intellectual property is actually used by the Township. No work product created while an employee is employed or contracted by Bernards Township can be claimed, construed or presented as their property, even after their employment with the Township is terminated or the relevant project completed.
2. If employee requests use of a document created by them, the release of said document shall be with the written authorization of the Information Technology Director and Township Administrator.

E-MAIL, VOICEMAIL AND INTERNET COMMUNICATIONS

1. Employees must exercise a great degree of caution in transmitting the Township's confidential information on the e-mail, voicemail, Internet and computer network systems because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Employees must take care to ensure all addresses are appropriate recipients of the information to be distributed via e-mail, voicemail, internet or other electronic forms of communication, especially when distributing information to a list of recipients.
2. All employees are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name except for an official police purpose. Users may not attempt to obscure the origin of any message. A signature of name, title, and contact number should be included in e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees are prohibited from expressing personal opinions through use of the Township's Internet names and connections.
3. Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, job related incident or occurrence, or Township data and information with any personal, analog or digital device, camera, imaging device, audio recorder or cellular telephone.
4. Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Township Administrator or Human Resources Officer. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords and login names must be submitted to the Information Technology Director. No codes may be used that are unknown to the Information Technology Director.
5. In order to maintain the integrity of systems and databases utilized by the police department, police personnel shall have unique log-on and passwords known only to them. In the event the Chief of Police, the Human Resources Officer and/or Township Administrator request any of the

unique log-on and passwords known only to police personnel, said personnel shall provide same to the Chief of Police, the Human Resources Officer and/or Township Administrator. This shall include, but not be limited to police records management files, computer aided dispatch reports, state and national criminal justice and judiciary databases as well as any other police record exempt from OPRA or public view.

6. This section also applies in off duty scenarios regarding any law enforcement and emergency response related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guidelines or directives concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.
7. 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 a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator or appropriate functional head.

INSTANT MESSAGING

1. All users of instant messaging in any form (web-based, application, mobile), on any Township owned equipment must have approval of the Information Technology Director.
2. Your instant messages SHOULD NOT VIOLATE ANY OTHER APPLICABLE TOWNSHIP POLICY, including, but not limited to, the Township’s Anti-Harassment and Discrimination Policies.
3. Any personal use of instant messaging on Township owned equipment may not interfere with the conduct of the Township’s business or interfere with an employee’s performance of his/her job duties.
4. Instant messaging on Township owned equipment should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of instant messaging on Township owned equipment for personal gain, family businesses, charity, donations, children’s activities, etc. is strictly prohibited.
5. Misuse of Instant Messaging, the Township’s computer system and Township-issued mobile phones is grounds for disciplinary action up to and including termination of employment.

SOCIAL NETWORK POSTINGS

1. For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.
2. The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Township and its relationship with the community. This provision identifies prohibited activities by employees on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites.

3. Specifically, the Township reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Township by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.
4. Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees' official job duties.

SECURITY

1. All messages created, sent or retrieved over the Internet are the property of Bernards Township.
2. The Township reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed.
3. Even when a message is erased, it is possible to retrieve and read that message.
4. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

HARASSMENT

The Townships' antiharassment, antidiscrimination and antiretaliation policies apply to all electronic information including but not limited to any information referenced in this section.

VIOLATIONS

Violations of any guidelines listed above will be presented to the Department Supervisor, Human Resources Officer and/or Township Administrator or as appropriate, Health Officer, Library Director or Sewerage Authority Director. It may result in disciplinary action up to and including termination. If necessary, the Township will advise the appropriate legal officials of any illegal violations.

CONDUCT OF EMPLOYEES

Employees are expected to conduct themselves in a manner which exhibits a respect for the rights and property of Bernards Township, fellow employees, and residents. While many of these behaviors are addressed under specific policies, the following list, while not all inclusive, further identifies examples of inappropriate behavior:

1. Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters
2. Serious breach of discipline
3. Neglect of duty
4. Incompetency or inefficiency or incapacity
5. Fighting or creating a disturbance among fellow employees

6. Using obscene, abusive, or threatening language or gestures
7. Sleeping on duty
8. Use or possession of intoxicants, narcotics or controlled substances without a prescription, being intoxicated or narcotized while on duty
9. Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked; provided that any regular member or officer of the police department who shall be absent from duty without just cause for a period of five days shall cease to be a member of the police department, as provided by N.J.S.A. 40A:14-122, as amended.
10. Using leave for purposes other than for which it was granted
11. False statements, misrepresentation, or fraud in application form or any other matter concerning employment
12. Chronic or excessive absenteeism
13. Disorderly or immoral conduct
14. Theft, bribery or unauthorized use or possession of Township, co-worker or resident property
15. Disregarding safety or security regulations
16. Falsifying or otherwise altering Township records or reports, such as applications for employment, medical reports, production reports, time records, expense accounts, absentee reports, or shipping and receiving records
17. Negligence or willful damage to public property or wasteful, unnecessary or unauthorized use of Township supplies, especially for personal purposes
18. Conviction of a crime
19. Failure to maintain confidentiality of Township information
20. The use or attempted use of one's authority or official influence to control or modify the political action of any employee or engaging in any form of political activity during working hours
21. Infringement of policies defined in this manual or failure to comply with departmental rules and regulations
22. Rude or disrespectful conduct toward the public
23. Failure to maintain workplace and area cleanliness and orderliness
24. Smoking where prohibited by ordinance, law or Township rules
25. Improper attire or inappropriate personal appearance
26. Engaging in any harassment or discrimination based upon a protected class
27. Violation of Township policies on solicitation or distribution
28. Possession of firearms or other weapons on Township property or while on official business, unless otherwise authorized by the Township
29. Other actions disruptive to the effective, efficient, economical operation of the Township's affairs
30. Conduct unbecoming a public employee. It is important that all employees perform to the best of their abilities at all times.

There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy, or engage in inappropriate behavior. Except as otherwise provided by a collective negotiations agreement or by law, employment may be terminated at-will by the employee or the Township at any time with or without cause and without following any system of discipline or warnings.

CONFERENCE ATTENDANCE POLICY

The Township will provide reimbursement for travel, lodging, meals and registration expense for regular employees and officials to attend approved conferences of professional associations and/or the New Jersey League of Municipalities. Other non-listed conferences and training seminars are encouraged

where budget appropriation is adequate and prior authorization has been given by the Township Administrator, Health Officer, Library Director or Sewerage Authority Director. The following conditions will apply:

1. "Approved" means it has been presented to and authorized by the Administrator before registration or applications are submitted.
2. Registration fees for the conferences will be paid in full by an approved Township voucher.
3. Cost of hotel lodging will be paid in full by the Township at the designated "conference hotels" or equivalent lodging. This will include appropriate gratuities for service personnel of the hotel. Efforts will be made to utilize economy rated rooms where offered and available. Advantage will be taken of conference discounts and, where feasible, room sharing. Every effort shall be made to ensure that the Township receives its tax-exempt status when booking hotel lodging.
4. Meal expense, excluding alcohol, will be reimbursed by the Township on a per diem basis, not to exceed \$40.00 per day. Meal functions that are part of the conference ticket (e.g., breakfast meetings, luncheon meetings, or banquets) will be paid in full and the unit amount deducted from that day's per diem meal expense. This does not imply that across-the-board \$40.00 per day will automatically be reimbursed for meals without documentation of reasonably attainable receipts or, if receipts are unavailable, notation of the actual cost of the meal. Where the day's meal expense does not exceed \$40.00, only the actual cost will be paid.
5. Transportation cost to and from the conference location will be paid by the Township. This will be common carrier transportation on economy class ticketing. Reasonable transportation from terminal or station to hotel will also be paid. Permission may be granted by the Administrator, Health Officer, Library Director or Sewerage Authority Director to use a personal vehicle for transport with reimbursement at the current mileage reimbursement rate or the cost of common carrier transportation, whichever is less. Tolls and parking fees will be reimbursed by the Township where automobile travel is authorized.
6. Reimbursement for expenses will be provided upon submittal of a signed voucher properly documented with reasonably attainable receipts summarized on and attached to a travel expense form and filed WITHIN 30 DAYS AFTER COMPLETION OF THE TRAVEL. Receipts are required for travel expense (i.e., air, train, car rental), accommodations, and meals.

CONFLICT OF INTEREST AND OUTSIDE EMPLOYMENT

Bernards Township conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

Employees, including municipal 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 municipality. Violations of this policy will result in appropriate discipline up to and including termination.

CONFLICT OF INTEREST

The Township recognizes the right of employees to engage in outside activities that are private in nature and unrelated to municipal business. However, business dealings that create or appear to create a conflict between the employee and the municipal'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 Municipal Clerk a state mandated disclosure form. The municipal Clerk will notify employees and municipal officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a municipal official, is in a position to influence a municipal 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 municipality 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 Township Administrator to obtain clarification.

OUTSIDE EMPLOYMENT

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

Any employee who wishes to engage in outside employment shall submit a written request to the Township Administrator. The request must contain the name and address of the employer, hours worked and the nature of the work. After reviewing the statement submitted by the employee the Township Administrator will either approve or deny the employee's request for outside employment and advise the employee of the decision.

If there are any changes to the information submitted on the original request, a new statement must be submitted to the Township Administrator with the updated information.

From time to time, Township employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee's obligations to the Township must be given priority.

Employees are hired and continue in the Township's employ with the understanding that the Township is their primary employer and that other employment or commercial involvement, which is in conflict with the best interests of the Township, is strictly prohibited.

ACCEPTANCE OF GIFTS

Township employees may not accept donations, gratuities, contributions or gifts, which would be a direct result of their employment with the Township or could be interpreted to affect their conduct in the performance of their duties with the Township. Under no circumstances may employees accept donations, gratuities, contributions or gifts from a vendor doing business with, or seeking to do business with, the municipality or any person or firm seeking to influence municipal decisions. Meals and other entertainment valued in excess of \$25.00 are also prohibited. Employees are required to report to the Township Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

COMPLIANCE

A violation of this policy will result in immediate and appropriate discipline, up to and including termination. Any Township employee having knowledge of any violation of the policy shall promptly report such violation to their Department Head, Human Resources Officer or Township Administrator. Each Department Head is responsible for compliance. When questions arise concerning any aspect of this policy, contact the Human Resources Officer.

CONSERVATION AT WORK PROGRAM

Bernards Township seeks to provide information and tools to all employees to engage in sustainable practices. Sustainability connects to environmental, social and economic resources. All Township employees are requested to participate in the township's official conservation at work policy/program. Following are areas for employees to address to help save resources, money and reduce pollution:

1. Energy and Water Conservation
2. Document Management Efficiency
3. Recycling
4. Cleaning Products
5. Personal Practices
6. Transportation Efficiency

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The Township is committed to providing and maintaining a healthy and safe work environment which allows all employees to perform their jobs in a safe and productive manner. The Township provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize the disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Township's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life-threatening illness, including but not limited to COVID-19, HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illness that may affect the health, safety and welfare of any co-employee or member of the general public. The Department Head shall consult with the Human Resources Officer and a physician, if necessary, to assist in making a determination as to the appropriate course of action. All medical information received about the employee will be kept strictly confidential.

Employees who fail to disclose contagious illnesses or illnesses which would pose a direct threat to the health and safety of other employees, or the public will be subject to discipline up to and including termination.

The Township recognizes that a supportive and caring response from Supervisors and co-workers is an important factor in maintaining the quality of life for an employee with a life-threatening/catastrophic illness. An employee's health condition is private and confidential. An employee is under no obligation to disclose his or her condition to a supervisor or any other employee of the Township unless such condition impacts the ability of the employee to safely perform his or her job. If an employee notifies a supervisor of his/her medical condition, the Supervisor is expected to take careful precaution to protect the confidentiality of information regarding the employee's health condition.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Human Resources Officer who can offer the following resources:

1. Referral to our Employee Assistance Program
2. Information on managing health benefits, available leaves of absence, paid time off and other benefits.

DISCIPLINE AND TERMINATION POLICY

All employees are expected to meet the Township's work performance standards. Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, the employee's relationship with his/her supervisor, and the best interest of the Township. The intent of this policy is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township's policies and procedures and other disciplinary problems. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

1. Removal
2. Disciplinary demotion
3. Suspension of greater than five (5) days

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this subject matter.

Should a supervisor believe that an employee is not conforming to the Township'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 discuss the matter with the Human Resources Officer. Depending upon the gravity of the situation and the employee's past record, one of the actions below may be taken.

1. **Verbal Reprimand:** The Supervisor will verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Supervisor will maintain a record of this discussion.
2. **Written Reprimand:** A written reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. Depending on the nature of the performance issue, the written reprimand may be made in the form of a Counseling Action and/or a Performance Improvement Plan. These documents outline the issue(s) needing correction, the goals for improvement and the timeline for review.
 - a. 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 a signed acknowledgement of receipt should be placed in the employee's official personnel file maintained by the Human Resources Officer along with a record of the discussion and the employee's comments.
3. **Suspension:** Whenever an employee is recommended for suspension, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Director, will be consulted as appropriate and be advised by the Human Resources Officer.
4. **Dismissal:** Whenever an employee is recommended for dismissal, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Director, will make the decision in consultation with the Human Resources Officer. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

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

1. Incompetency, inefficiency or failure to perform duties;
2. Insubordination;
3. Inability to perform duties;
4. Chronic or excessive absenteeism or lateness;
5. Conviction of a crime;
6. Conduct unbecoming a public employee;
7. Neglect of duty;
8. Misuse of public property, including motor vehicles;

9. Discrimination that affects equal employment opportunity, including sexual harassment;
10. Violation of federal regulations concerning drug and alcohol use (including the testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder);
11. Falsification of public records, including attendance and other personnel records;
12. Failure to report absence;
13. Harassment of co-workers and/or volunteers and visitors;
14. Theft or attempted theft of property belonging to the Employer, fellow employees, volunteers or visitors;
15. Unauthorized absences and/or chronic or excessive absences;
16. Fighting on Employer's property at any time;
17. Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Employer property and at any time during work hours;
18. Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
19. Possession, sale, transfer or use of intoxicants or illegal drugs on Employer property and at any time during work hours;
20. Entering the building without permission during non-scheduled work hours;
21. Soliciting on Employer 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 for sales of products, such as those from Avon, Amway, etc.;
22. Careless waste of materials or abuse of tools, equipment or supplies;
23. Deliberate destruction or damage to Employer property or the property of other employees;
24. Sleeping on the job;
25. Carrying weapons of any kind on Employer premises and/or during work hours, unless carrying a weapon is a function of your job duties;
26. Violation of established safety and fire regulations;
27. Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
28. Defacing walls, bulletin boards or any other property of the Employer or other employees;
29. Unauthorized disclosure of confidential Employer information;
30. Gambling on Employer premises;
31. Horseplay, disorderly conduct and use of abusive and/or obscene language on Employer premises;
32. Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
33. Conviction of a crime or disorderly persons offense;
34. Violating any Employer rules, procedures, regulations or policies;
35. Unauthorized use of computers, Internet, email, voicemail, telephone and cellular phone; and
36. Other sufficient cause.

Public Works employees shall be governed by their contract provisions.

Members of the Police Department shall be disciplined in accordance with department policy and procedures regarding Internal Affairs. Additionally, sworn contractual members of the Police Department shall be subject to discipline in accordance with current department policy and collective bargaining agreement.

These are mere examples and not an exhaustive list or binding on the Employer. Additionally, the Employer reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Employment with the Employer may be terminated at any time with or without cause or reason by the employee or Employer.

DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees. All employees of Bernards Township are covered under this policy, including full and part time employees, seasonal employees, interns, volunteers and temporary employees at any workplace location.

DEFINITIONS

The following terms are defined solely for the purpose of this policy:

DOMESTIC VIOLENCE - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

ABUSER/PERPETRATOR - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

HUMAN RESOURCES OFFICER (HRO) –An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

INTIMATE PARTNER - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

TEMPORARY RESTRAINING ORDER (TRO) - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

VICTIM - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

WORKPLACE-RELATED INCIDENTS - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

HUMAN RESOURCES OFFICER

Bernards Township hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

Primary HRO: Emily Kesselmeier

Human Resources Officer

(908) 204.3064

ekesselmeier@bernards.org

Secondary HRO: Carol Ackerman

HR Generalist

(908) 204.3011

cackerman@bernards.org

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRO shall:

1. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic

violence incident and the request for assistance.

2. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
3. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program (CONCERN (800) 242-7371) to assist with securing resources and confidential services.
4. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
5. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, **(908) 526.7444**.
6. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
7. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

CONFIDENTIALITY OF EMPLOYEE RECORDS

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence. The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

1. Seeking medical attention;
2. Obtaining services from a victim services organization;
3. Obtaining psychological or other counseling;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
5. Seeking legal assistance or remedies to ensure health and safety of the victim; or
6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

The full text of the New Jersey SAFE Act is provided on the Bernards Township Intranet.

PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

Bernards Township has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

1. Designate an HRO with responsibilities pursuant to this policy.
2. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
3. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.
4. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
5. Commit to adherence to the provisions of the NJ SAFE Act, including that the Township will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
6. Advise any employee, who believes he or she has been subjected to adverse action as a

result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.

7. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

RESOURCES

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

DISTRIBUTION OF POLICY

The Bernards Township HRO will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Bernards Township HRO, or designee will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

The Bernards Township HRO, or designee will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

OTHER APPLICABLE REQUIREMENTS

In addition to this policy, the HRO and the public employer's appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

GUIDE TO SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE

24-HOUR STATEWIDE HOTLINES

New Jersey Hopeline

(855)-NJ-HOPELINE (654-6735)

New Jersey Domestic Violence Hotline

(800) 572-SAFE (7233)

Women's Referral Central Hotline

(800) 322-8092

Family Helpline

(800) THE-KIDS (843-5437)

NJ Coalition Against Sexual Assault (NJCASA) Hotline

(800) 601-7200

Addictions Hotline of NJ

1-800-238-2333

See Hotlines and Helplines (from the New Jersey Department of Children and Families) for a listing of additional Helpline numbers.

EARLY CLOSING AND DELAYED OPENING POLICY

In the event of unsafe conditions, the Township Administrator may authorize Department Heads to open or close operations differently than normal working hours. If conditions exist prior to scheduled openings, a message will be sent out as early in the morning as possible, but usually prior to 7:00 a.m., advising 1) a delayed opening will apply or 2) Township operations will close for the day. The closing and/or delayed opening will also be posted on the Township website, under Announcements, in addition to the Bernards Township Facebook Page and Twitter account.

In an emergency or other circumstance when buildings may experience a delayed opening or an early close, employees in Public Works, Police, BTSA and other key positions may be required to support Township operations. Police officers shall be required to report for duty as prescribed by the Chief of Police and/or his/her designee.

Due to the unique nature of the library schedule, the Library Director and a designated member of the Library Board of Trustees may make decisions about the library hours in the event of inclement weather or other unsafe condition. The Library Director will coordinate with the Township Administrator and other departments as appropriate to the circumstances.

REGULAR FULL-TIME AND REGULAR PART-TIME EMPLOYEES REGULARLY SCHEDULED TO WORK 20+ HOURS PER WEEK

If Township operations remain open and an employee chooses not to report to work, a full vacation day, personal day, floating holiday or compensatory time off will be charged. Sick time will only be charged for a legitimate illness. If Township operations open late, close or close early, no paid time off will be charged for the time closed. However, to be paid for time closed, it is expected that employees work the remainder of their scheduled shift while operations are open.

All employees on scheduled paid time off will be recorded as the scheduled paid time off, i.e., vacation, floating holiday, compensatory time off or personal time.

All full-time and regular part-time employees not absent due to illness, not on vacation and not using a personal or floating holiday on a closed day (as designated by the Township Administrator) are compensated as per the normal workday.

If the building remains open, but an employee chooses to leave early, or does not come to work all day when there is either a delayed opening or early closing, that employee must record this absence as accrued personal, vacation, comp time or a floating holiday time. If there is no accrued time available, notify Human Resources and the time will be coded as unpaid time.

REGULAR PART-TIME EMPLOYEES REGULARLY SCHEDULED TO WORK LESS THAN 20 HOURS PER WEEK

Regular part-time employees with established schedules less than 20 hours per week will not receive pay for time when the offices are closed, however, if an employee in this category is working when an operation is closed due to inclement weather or other unsafe condition, he/she will receive pay for the hours scheduled to be worked for the remainder of that day.

PART-TIME EMPLOYEES WITH FLEXIBLE SCHEDULES, TEMPORARY/ON-CALL EMPLOYEES AND SEASONAL EMPLOYEES

Hourly part-time employees with flexible schedules, temporary and seasonal employees will be compensated only for hours actually worked.

ELECTRONIC RECORDING POLICY

An incidental, but necessary portion of all employees' job duties with the Township, requires that employees attend Departmental meetings or inter-Departmental meetings. During those meetings, whether they are group meetings, one-on-one meetings, or meetings between Supervisors and/or employees, information is discussed regarding internal operations of the Township. The meetings may

contain information regarding Township strategies, tactics and other internal operations or personnel matters of the Township.

In light of the above, the Township hereby directs as policy that no electronic recording, whether audio or video recording, of Township Departmental meetings shall occur without the permission of the Township Administrator and the Department Head or Supervisor conducting the meeting.

Any employee who violates this policy will be subject to discipline, up to and including dismissal from employment.

EMPLOYEE DATING/PERSONAL RELATIONSHIP POLICY

Bernards Township recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the Township also recognizes that an environment where employees maintain clear boundaries between personal and work interactions is most effective for conducting business. As friendships and romantic relationships may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems, the Township has adopted the following policy on the subject of supervisor/subordinate dating and personal relationships.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate Supervisor or B) Human Resources.

All employees who maintain a dating/personal relationship shall abide by the following:

1. During working time and in work areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
2. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Township premises, whether during working hours or not.
4. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the Employer disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.
6. Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor, the Department Head or Human Resources. This disclosure will enable the Township to determine whether any conflict of interest exists because of the relative positions of the individuals involved. (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.)
7. Where problems or potential risks are identified, the Township will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the

parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. Management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

8. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.
9. Continued failure to work with the Employer to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.
10. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
11. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.
12. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the human resources officer or other designated individual.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Township regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations. Nothing in this policy alters an employee's at will status.

EMPLOYMENT REFERENCES AND VERIFICATIONS

To ensure that individuals who work for the Township are well-qualified and have a strong potential to be productive and successful, it is the policy of Bernards Township to check the employment references of all applicants at the Township's discretion.

Township employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to Human Resources. Generally, unless otherwise required by law, the Township will only confirm employees' name, title, salary, compensation and dates of service. The Township's response to a request for employment verification information shall be communicated in writing only. The Township does not honor oral requests for employment references.

A current or former employee may also authorize the Township to release additional information. Unless otherwise required by law, the Township will only release additional information if the current or former employee provides authorization, in writing.

ETHICS POLICY

Bernards Township is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and among employees. The highest standards of ethical business conduct are required of Township employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Township's honesty, impartiality or reputation or otherwise cause embarrassment to the Township. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

1. Using public office or public position for private gain;
2. Giving preferential treatment to any person or entity;
3. Losing impartiality;
4. Adversely affecting the confidence of the public in the integrity of Bernards Township.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.

Employees with specific guidelines through licensing, certification etc., i.e., construction or sub-code official or inspector as noted in NJAC 5:23-3.4(j), must also comply with such guidelines as required. Employee concerns should be directed to the Township Administrator or Human Resources Officer for review and investigation. Retaliation against employees who use this reporting mechanism to raise genuine concerns is prohibited.

FIRST RESPONDER PHOTOGRAPHY PROHIBITION

In accordance with New Jersey law, a first responder shall not disclose any photograph, film, videotape, record, or other reproduction of the image of a person being provided medical care or other assistance at the scene of a motor vehicle accident or other emergency situation without the prior written consent of the person, or the person's next-of-kin if the person cannot provide consent, unless that disclosure was for a legitimate law enforcement, public safety, health care, or insurance purpose or pursuant to a court order.

NATURAL DISASTER DEPLOYMENT

It is not acceptable for any municipality to self-deploy to the location of a natural disaster without a prior request for aid. Any time taken would be considered personal or vacation time and not supported by the Township.

PERSONAL BLOGGING AND SOCIAL NETWORKS POLICY

Social networking, both professional and personal, is a popular way to connect with friends, foster relationships and create a complex group of online networks and online communities. However, these new communication and networking opportunities also create new responsibilities for those who engage in social networking. Employees who choose to use or contribute to online media are not only impacting their personal image but may be potentially impacting the image of the Township. The purpose of this policy is to provide reasonable guidelines for online behavior for employees of the Township. Only those employees directly authorized by the Administrator may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work, and it is in compliance with this policy.

GENERAL RULE

When communicating in social media, employees act at their own peril. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects clients, people who work on behalf of the Township or the Township's legitimate business interests may result in disciplinary action up to and including termination. Employees must never engage in communication which injures the reputation of the Township or its clients or which discloses confidential information. Also, remember that the employee's own reputation is at risk – what is said or done, even if not otherwise connected to the Township, may be seen by others who will make judgments about the employee based upon what they place online. The employee's position in the Township could thus be impacted by their personal internet activities.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including, but not limited to:

1. Social networking or affinity web site such as, but not limited to, Facebook, Twitter, MySpace, LinkedIn, You-Tube, Instagram, Vine, etc.
2. Websites, your own or someone else's Web log, Blog Site(s), Journal or Diary, Personal Websites or Blog(s)

3. Wikis such as Wikipedia and any other site(s) where text can be edited or posted
4. Social bookmarks such as Digg and Delicious
5. Web bulletin board or a chat room

All of these activities on these sites are referred to as "Internet postings" in this policy. This Internet Postings Policy applies, but is not limited, to all of the aforementioned Internet postings on social media, whether or not associated or affiliated with the Township, as well as any other form of electronic communication.

KNOW AND FOLLOW THE RULES

Carefully read these guidelines and ensure your postings are consistent with this policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination of employment by the Township.

If an employee is unsure about information disclosed in any posting, contact the Township Administrator or Human Resources Officer.

BE RESPECTFUL

Always be fair and courteous to fellow employees, clients, management and people who work on behalf of the Township. Try to resolve work-related complaints by speaking directly with co-workers or management rather than by posting complaints to a social media outlet. If posting complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, clients, management or people who work on behalf of the Township, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Township policy. Remember that harassment, bullying, discrimination and retaliation that would not be permissible in the workplace is not permissible between employees online, even if done after hours, from home and on home computers.

BE HONEST AND ACCURATE

Make sure to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Be open about any previous posts that have been altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors known to be false about fellow employees, clients, the Township and employees of the Township, including members of management and the governing body.

POST ONLY APPROPRIATE AND RESPECTFUL CONTENT

1. Maintain the confidentiality of the Township's private or confidential information and attorney-client privileged information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
2. Do not create a link from a personal blog, website or other social networking site to a Township website without identifying yourself as a Township employee.
3. Express only personal opinions. Employees should never represent themselves as a spokesperson for the Township unless they have been specifically authorized to do so. If the Township is a subject of the content being creating, be clear and open about the fact that you are an employee and make it clear that these views do not represent those of the Township, the governing body or fellow employees of the Township. If publishing a blog or post online related to the work being done or subjects associated with the Township, the employee should make it clear that they are not speaking on behalf of the Township or the governing body. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Bernards Township." Please be aware that the term "internet postings" is not limited

to blog postings, it also includes comments, videos and images. When posting a point of view, an employee should neither claim nor imply they are speaking on behalf of the Township, unless they are authorized in writing by the Township Administrator to do so.

4. Do not represent any opinion or statement as the policy or view of the Township or of any individual in their capacity as an employee or otherwise on behalf of the Township.
5. Do not post any disparaging or defamatory statements about the Township, including members of management and the governing body, its product or services that are unrelated to specific terms and conditions of your employment.
6. Respect all copyright, privacy, fair use and other intellectual property laws. For the Township's protection as well as that of the employee, it is critical to show respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the Township's own copyrights and trademarks. Do not use the Township's logos or trademarks in postings without express permission from the Township.
7. Avoid harming the image and integrity of the Township by posting content that would be considered harassment, bullying, discrimination or retaliation and would not be deemed permissible if said and/or done in the workplace. Internet postings should not violate any other applicable Township policy, including, but not limited to, the following: Anti-Harassment Policy, Non-Discrimination and Equal Employment Opportunity Policy, and E-Mail and Internet Code of Conduct Policy.
 - a. Ensure that any posts comply with the FTC "endorsement" guidelines.
 - b. If a member of the news media or blogger contacts an employee about an Internet posting that concerns Township's business, immediately bring this to the attention of the Township Administrator. Also, please be respectful when responding to negative posts.
8. Employees agree that the Township shall not be liable, under any circumstances, for any errors, omissions, loss or damages claimed or incurred due to any Internet postings.

USING SOCIAL MEDIA AT WORK

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by a manager. Employees should not use a Township email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees may, as part of their job responsibilities, be required to use social media for public relations, recruitment, Township communications or other business purposes. The Township owns all social media accounts used on behalf of the Township or otherwise for business purposes, including any and all log-in information, passwords and content associated with each account, such as followers and contacts. The Township owns all such information and content, regardless of the employee that opens the account or uses it and will retain all such information and content regardless of separation of any employee from employment with the Township.

If an employee's job duties require that they to speak on behalf of the Township in a social media environment, they must still seek approval for such communication from their supervisor, who may require them to receive training before they do so and impose certain requirements and restrictions with regard to their activities. Likewise, if an employee is contacted for comment about the Township for publication, including in any social media outlet, the inquiry should be directed to the Township Administrator and the employee should not respond without approval of the content and response.

The Township may request, in its sole and absolute discretion, that an employee temporarily or permanently confine their website, web log or other commentary to topics unrelated to the Township if it believes this is necessary or advisable to ensure compliance with laws or regulations.

Failure to comply may lead to discipline up to and including termination, and if appropriate, the Township will pursue all available legal remedies.

RETALIATION IS PROHIBITED

The Township prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

PERSONNEL RECORDS & VITAL INFORMATION

Human Resources will ensure that adequate personnel records are maintained for each Bernards Township employee in accordance with applicable Federal and State requirements. These records shall include: dates of appointments, employment application, transfers, promotions and terminations, job titles, salaries, commendations, complaints, performance evaluations, disciplinary actions, amount of leave accrued and used, non-medical leaves of absence, emergency contacts, dependent information, a record of the employee's training & education, attendance records, letter of resignation, and other related, pertinent information.

A new employee's employment application, letters of reference, reference verification and any other supporting documents will be included in the personnel file. Confidential medical records are maintained in a separate file.

CONFIDENTIALITY

Personnel records, other than name, title, salary, compensation, dates of service, reason for separation, and information on specific qualifications required for employment, are confidential and will be maintained in the Human Resources office in locked files. The files will be in two groups: Employee Personnel Files and Employee Medical Files. Files will be maintained as "active files," representing employees on the payroll, and "terminated files," for employees no longer in the service of the Township for a period of time designated in the General Records Retention Schedule, for both Employee Personnel Files and Employee Medical Files.

ACCESSIBILITY OF PERSONNEL FILES

Personnel records will be available to the Township Administrator, members of the Township Committee, Human Resources staff, Township Clerk and his/her Assistant, and the Township's legal counsel on a need-to-know basis in connection with official duties. Additionally, the Township will make the records available as required by law. The Human Resources Manager and HR Generalist, or in their absence the Municipal Clerk, shall be responsible for controlling such access.

Employees are entitled to review the contents of their personnel folder, except for reference checks and other information provided to the Township in the hiring process but may not review the contents of another employee's personnel file. Employees and authorized representatives of the employee may request an appointment to examine his/her personnel file in the Human Resources office. Employees should provide the Township with at least twenty-four (24) hours advance notice of their need for an appointment to review their personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the Human Resources Officer or HR Generalist. Employees will not be permitted to photocopy the contents of their folder, take personnel folders outside of the human resources office or remove any documents from the folder.

The entire Township Committee shall be informed prior to a Township Committee member accessing any Township Committee member's personnel file.

The Department Head may have access to only personnel files of employees within his/her department if deemed necessary by the Township Administrator or Human Resources Officer.

Employees whose duties require access to personnel documents or information must maintain their confidentiality. Violators of this confidentiality will be subject to disciplinary action up to and including termination.

UPDATING THE PERSONNEL FILE

It is the responsibility of each employee to advise their Department Head and Human Resources of changes in their personal information (to include name, address, telephone number, marital status, dependent children, change in status for health, dental & vision coverages, change in tax status for withholding purposes and emergency contacts) and to update the information within EDMUNDS using the Employee Self Service (ESS) system. Those employees who do not have computer access must submit their changes in writing to the Human Resource office.

REMOVAL OF PERSONNEL FILES FROM MUNICIPAL BUILDING PROHIBITED

Under no circumstances may any personnel file be removed from the Municipal Building, with the exception of copies being removed for use in legal proceedings.

CHIEF FINANCIAL OFFICER MAINTAINS PAYROLL RECORDS

Payroll records shall be maintained by the office of the Chief Financial Officer.

POLITICAL ACTIVITY

It shall be the declared policy of the Township to appoint or hire all employees without regard to political considerations.

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. Nothing in this section shall be construed to prevent Township employees from voting with complete freedom in any election.

Township employees shall not engage in any political activities during working hours on municipal property. In accordance with state law, employees are prohibited from engaging in political activities while performing their public duties and from using municipal time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaign or campaign materials.

Additionally, state law precludes employees from directly or indirectly using their position to control or affect the political action of another person. No Township employee shall directly or indirectly use or seek to use his or her authority for contributions from municipal employees for political campaign purposes. No person in Township employ shall invite, demand or accept payment or contribution from municipal employees for political campaign purposes.

In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

1. Be a candidate for public office in partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)
2. Use his/her official authority to influence, interfere with or affect election results or nominations for office.
3. Directly or indirectly coerce contributions from any employee to support a political party or candidate.

Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for Bernards Township.

Any violation of this policy must be reported to the Supervisor, Department Head, Township Administrator, or Human Resources Officer. Violation of any provision of this section shall be deemed sufficient cause for suspension or dismissal from the Township service.

PRIVACY AND CONFIDENTIALITY

Because of their roles, specific Township employees have to access and use certain personal employee and resident information, such as Social Security numbers, only as necessary and appropriate for such persons to carry out their assigned tasks for the Township. The unauthorized access, viewing, use, disclosure, or the intentional public display of such information and the unauthorized removal of documents from the Township's premises that contain Social Security number information is prohibited and can result in discipline up to and including termination of employment.

Employees who come into contact with Social Security numbers or other sensitive personal information without authorization from the Township may not use or disclose the information further but must contact the Human Resources Officer and turn over to them all copies of the information in whatever form.

When necessary, documents containing Social Security information will be properly destroyed through shredding or other means prior to disposal to ensure confidential Social Security and other information is not disclosed.

Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination, even if they do not actually benefit from the disclosed information.

PROTECTION & SAFE TREATMENT OF MINORS

Bernards Township is committed to the safety of all individuals in its community; however, the Township has particular concern for those who are potentially vulnerable, including minor children. The Township regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but are typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

Bernards Township is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Township to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Township or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by Bernards Township or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

PURPOSE AND SCOPE

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

1. The failure to meet a child's basic needs, physically or emotionally, which is called **neglect**.
2. The intentional use of physical force that results in injury, which is called **physical abuse**.
3. The practice of any behaviors that harm a child's feelings of self-worth or emotional well-being, which is **emotional abuse**.
4. Engaging in sexual acts with a child including pornography, which is **sexual abuse**.

In the State of New Jersey every level of government has a role in protecting minors.

1. At the State level:

- a. State law is enforced through the NJ Family Division of the State court system. The court has broad powers including the ability to remove children from dangerous situations
- b. The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
- c. The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.

2. At the local level:

- a. Educational professionals have the most contact with children, meaning they are often the first to detect issues.
- b. Housing Authority employees may also frequently come into contact with children.
- c. Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
 - i. Recreation programs
 - ii. Before and After Care programs
 - iii. Youth sports leagues
 - iv. Youth centers
 - v. Youth in Government programs
 - vi. Junior law enforcement training programs
- d. Police are often first identifiers of abuse in their role as first responders. They are granted powers under the Prevention of Domestic Violence Act to protect children and others from Domestic Violence.

DEFINITIONS

Authorized Adult - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential

facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.

Child or Minor - A person under the age of eighteen (18).

Department Heads - Appointed department heads of the Employer, including the chief administrative officer, and any assistants.

Direct Contact - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.

Dual Reporting – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Employer to report all possible cases of abuse.

Employees, Staff, or Counselors – persons working for the Employer on a full-time or part-time basis and compensated by the Employer.

Facilities - Facilities owned by, under the control of, or rented or leased to the Employer.

Grooming - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.

NJMEL JIF - New Jersey Municipal Excess Liability Fund Joint Insurance fund.

Officials – Elected officials of the Employer, appointed Board members, and Authority Commissioners.

One-On-One Contact - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.

Programs - Programs and activities offered or sponsored by the Employer.

Volunteers - Individuals volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.

POLICY

Bernards Township is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Township is firmly committed to protecting children under the care and supervision of the Township from all forms of physical, mental, sexual and emotional abuse. Bernards Township is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Township. The procedures outlined below shall apply to all officials, employees, and volunteers of Bernards Township.

RECRUITMENT AND HIRING OF EMPLOYEES AND VETTING OF INDIVIDUALS VOLUNTEERING THEIR TIME

1. All prospective employees and volunteers shall undergo a thorough and complete background check. Written documentation of the background check shall be maintained by the Township in perpetuity.
 - A. For part-time summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches and instructors:
 - a. National Database Criminal History Search

- b. National Sex Offender Search
- c. Social Security Trace/Validation
- B. For full-time employees in supervisory positions involving minors:
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation
 - d. Education Verification
 - e. Employment Verification
 - f. Credit Check
 - g. Motor Vehicle Record
 - h. Reference Check
- C. For minors between the ages of 16 to 18 who will be working with children, as much background information will be acquired including a check of all work references, if any, and a copy of their driver's license.
- 2. Background checks that disclose any negative or questionable results must be reviewed and approved by the Township prior to the individual being hired and/or working with minors. Provisional hiring is not permitted.
- 3. All prospective employees and volunteers must complete the training adopted by the Township prior to starting employment or volunteer service. In addition to completing the training course adopted by the Township, all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth*™) which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.)
- 4. The Employer shall re-check and document the NJ Megan's Law directory every 3 years to make certain that current employees are not listed.
- 5. Once employed, authorized Adults who are employed are required to notify the Human Resources Officer of an arrest (charged with an offense or crime) or conviction for same within 72 hours of knowledge of the arrest or conviction.

PROCEDURES AND RESPONSIBILITIES OF OFFICIALS:

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Township. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Township.

Officials of the Employer are required to:

1. Complete the initial training course adopted by the Township, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law.
2. Meet annually with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the Township to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*

3. Conduct **random and unannounced** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Township.

PROGRAM PROCEDURES

All programs operated by, sponsored by, or affiliated with the Township shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could possibly interact with minors, shall adhere to the following policy.

SPECIFIC PROGRAM PROCEDURES

The following policies shall apply to **all programs** offered by, sponsored by or affiliated with the Township. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Township shall:

1. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, Bernards Township shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
2. Make certain that all program participants provide a **Medical Treatment Authorization form** to the Township.
3. Implement and adopt a **"Code of Conduct"** for volunteer and paid staff members which, **at a minimum**, will include the following:

CODE OF CONDUCT

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.

- Staff members are required to refrain from texting and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

IN ADDITION TO THE CODE OF CONDUCT, THE FOLLOWING SHALL BE A PART OF THE SPECIFIC PROGRAM PROVISIONS:

- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
- The Employer shall set forth rules and procedures governing when and under what circumstances participants may leave the Employer property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.
- Misuse or damage of Township property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Township to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- The Township shall assign an adult staff member to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
- Take appropriate steps to make certain that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (written authorization on file in advance.)
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with rules.
- Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

SPECIFIC POLICY AND PROCEDURES FOR USE OF RESTROOMS BY CHILDREN/MINORS:

- All restrooms shall be checked in advance by staff persons before minor children enter to make certain that no other individuals are present.
- Staff members (of the same sex) are to stand guard at the doorway to make certain that no one else enters the restroom while a child is there. Children should not be permitted enter restrooms in pairs or in groups, unless it is absolutely necessary.
- For field trips, staff members must monitor bathroom use by minor children and shall not permit a child to enter a restroom alone.

PROCEDURES FOR LAW ENFORCEMENT OFFICERS

Law enforcement officers of the Township frequently interact with minors in a variety of ways. It is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

1. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
2. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
3. The following provisions from the ***“Code of Conduct”*** for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - a. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
 - b. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - c. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
 - d. Officers shall make certain that they are neat, clean, and appropriately attired.
 - e. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
 - f. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

TRAINING REQUIREMENTS

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of Bernards Township are required to complete training (and refresher course training) adopted by the Township. ALL employees of the Township shall complete the training

course whether they interact with children/minors or not. The Township will keep records of the training and employees should keep copies of their own training as well.

1. **Officials**

Complete the initial training course, Protecting Children from Abuse (by the NJMEL), adopted by Bernards Township, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law.

2. **Volunteers and Employees of Bernards Township**

All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NJMEL in the form of the Protecting Children video.

3. **Law Enforcement Officers**

Content of course shall include:

- a. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
- b. Your responsibilities
- c. Officers in Schools
- d. Reporting Abuse

REPORTING SUSPECTED CHILD ABUSE/NEGLECT

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

The following procedures shall be utilized in reporting suspected cases of abuse. The Township shall also train officials, department heads, employees and volunteers in the concept of “**dual reporting**” as listed and defined below and shall encourage all staff and volunteers to utilize this process as much as possible in reporting suspected cases of abuse.

Child Abuse is hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support**. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. **Do not “investigate” an abuse situation. Do not interrogate the child.** Rather report it immediately as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible.

It is recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the NJ Department of Children and Families and the Bernards Township Police Department at the same time, which is known as “dual reporting.”

FOR EMPLOYEES OR VOLUNTEERS OF PROGRAMS CONDUCTED BY BERNARDS TOWNSHIP

- 1. Report the suspected abuse to the NJ Department of Children and Families and the Bernards Township Police Department. Please be prepared to include the following information to the extent the information has been told to you.

- a. **Who:** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
 - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
 - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
 - d. **Where:** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
 - e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
3. Call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to make a decision on whether a case should be reported. All cases shall be reported.

FOR LAW ENFORCEMENT OFFICERS

Immediately report any suspected or alleged cases of abuse or neglect to the NJ Department of Children & Families and the County Prosecutor.

IMPORTANT INFORMATION REGARDING REPORTING SUSPECTED ABUSE UNDER NJ LAW:

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. Bernards Township encourages all officials, employees, and volunteers in programs operated by the Township or affiliated programs or activities to report suspected cases of abuse with the following in mind.

1. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.
2. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.
3. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.

ACKNOWLEDGEMENT OF RECEIPT AND REVIEW OF POLICY

This policy is a part of the Bernards Township Employee Handbook. By acknowledging receipt of the Handbook, all officials, employees/counselors, and volunteers acknowledge receipt of this policy. The same process shall be used for any revised policy issued in the future.

PUBLIC RECORDS POLICY

Bernards Township public officials and employees at all levels must ensure that public records are protected from unauthorized alteration, defacement, transfer or destruction.

NJSA 47:3-16 defines a public record as: "... any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein."

Information that employees and officials generate or receive in the transaction of their official duties is a public record. This is true regardless of the medium used to store the information – e.g., paper, microfilm,

or digital copy, or in the case of digital copy and e-mail, on the computer or hand-held device from which it is sent or received. E-mails regarding Bernards Township business sent and received via personal e-mail addresses are still considered government records.

Not all public records are subject to access by the general public (*the deciding factor is if the record serves to document the organization, functions, policies, decisions, procedures, operations or other activities*); but all public records must be retained according to records retention and disposition schedules approved by the State Records Committee. No public record may be destroyed without prior consent of appropriate Bernards Township officials, as well as the NJ Division of Revenue & Enterprise Systems, Records Management, even if the retention period for the record has expired. All record retention schedules and disposal requests must be processed through the NJ State Artemis System. Questions regarding this process should be directed to the Municipal Clerk.

The township follows the 7-year retention schedule for emails. The IT Department is responsible for back-up and retrieval of emails within the 7-year period. To retain emails longer than 7 years, users are required to move those emails to their personal computer archive folders or move them to one of the Township's Registered Document Imaging Systems (Application Extender or BTOR).

On an annual basis, in December of each year, the IT Department will dispose of the prior 7 years of emails.

Although the IT Department routinely backs up its E-mail servers, each back-up is maintained only briefly for disaster recovery purposes and therefore cannot be regarded as a tool for meeting public records retention requirements with regard to e-mail.

SAFETY POLICY

The Township will provide a safe and healthy work environment and shall comply with the requirements of the *Public Employees Occupational Safety and Health Act* (PEOSHA). The Township is equally concerned about the safety of the public.

Consistent with this policy, employees 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 Township facilities, equipment or motor vehicles must also be immediately reported.

The Township 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.

SECURITY POLICY

Bernards Township makes every effort to provide for employees' safety and security while at work. The Township, however, does not accept responsibility for the protection of employees' personal property. The Township is not liable for loss or damage to personal property.

Bernards Township maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the Township prohibits the possession, transfer, sale, or use of such materials on its premises. The Township requires the cooperation of all employees in administering this policy. Desks, lockers, other storage devices, and Township owned vehicles may be provided for the convenience of employees but remain the sole property of Bernards

Township. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Township at any time, either with or without prior notice. The Township may conduct video surveillance of Township property to, among other things, identify safety concerns, detect theft, and discourage or prevent acts of harassment and workplace violence. Additionally, the Township may monitor employee e-mails.

Security is everyone's responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee's responsibility to notify his or her supervisor or Department Head immediately. In the event a serious incident occurs, employees must report it to their Department Head promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a third party while on the premises.
2. Any incident in which physical force is either used by or against an employee.
3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.
4. Any incident in which a serious unfavorable reaction from the public might be expected.
5. The loss of Township keys.
6. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees are encouraged to make any reports, in writing, so that they may be properly addressed by the Township.

SMOKING POLICY

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free, and no employee or visitor will be permitted to use electronic cigarettes, smoke or chew any tobacco products anywhere in Township buildings or Township vehicles.

Township parks and schools shall be smoke-free. No employee or visitor will be permitted to use electronic cigarettes, smoke or chew any tobacco products at Township parks or on the grounds of any Township school.

“Public Park or beach” is defined as a state park or forest, a county or municipal park, or a State, county or municipal beach, but does not include any parking lot that is adjacent to, but outside of, the public park or beach.

Employees are permitted to smoke only outside Township buildings in locations which do not allow the re-entry of smoke into building entrances and windows. All tobacco products should be disposed of in an appropriate container. This policy shall be strictly enforced, and any employee found in violation will be subject to disciplinary action. Excessive breaks are not acceptable, and employees should plan their time accordingly.

Employees are protected from retaliatory action or from being subjected to any adverse personnel action for exercising or attempting to exercise his/her rights under the smoking policy.

Any violation of this policy may result in appropriate corrective disciplinary action, up to and including discharge.

USE OF TOWNSHIP VEHICLES, LICENSING AND REIMBURSEMENT POLICY

Bernards Township owns and maintains a fleet of vehicles for use in the furtherance of Township business. Township employees are not covered by the Township's auto insurance when using personal

vehicles for Township business purposes. Thus, township vehicles are to be used for Township purposes whenever possible.

The following policy governs the use of all Bernards Township vehicles (with the exception of vehicles utilized for law enforcement purposes) and supersedes all other vehicle policies previously in effect.

Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of the indemnification and/or defense by the Township to the employee in any civil or criminal matter brought in any court arising from improper use of a Township vehicle. The Township also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Assigned Vehicles. Township owned vehicles are assigned to the following departments: Administration, Community Service, Construction, Health, Engineering, Finance, Parks/Recreation, Police, Public Works and the Sewerage Authority. Any other department may request the use of a township owned vehicle while on township business from any department with assigned pool vehicles.

1. The following job titles (only) shall have a vehicle assigned for use at all times, since the nature of the work requires they be on 7-day, 24-hour call:
 - a. Chief of Police
 - b. The Chief of Police, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.
 - c. Emergency Management Coordinator
 - d. On-Call Detective
 - e. Director of Public Works
 - f. Engineer (during periods of anticipated call out only)
 - g. The Director of Public Works, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the Township Administrator. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the Employer's insurance carrier before an employee will be permitted to operate an Employer Vehicle.

1. Employees are required to file a copy of a valid driver's license with the Township prior to the use of any Township owned vehicle. Any employee who does not hold a valid driver's license will not be allowed to operate a Bernards Township vehicle until such time as a valid driver's license is obtained.
 - a. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
 - b. Any employee performing work that requires the operation of a Bernards Township vehicle must notify his/her immediate supervisor within 24 hours if their license is expired, suspended or revoked. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Bernards Township vehicle shall be subject to discipline, up to and including termination.

- c. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate a Township vehicle and may also result in the denial of indemnification and/or defense by the Township to the employee in any civil or criminal matter brought in any Court arising from the use of a Township vehicle while said employee's driving privileges were suspended or revoked.
2. All employees performing work that could require the operation of a Bernards Township vehicle will have their driving record checked through the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.
 - a. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
 - b. The Employer reserves the right to suspend an employee's Township driving privileges if the Township deems necessary based on the employee's driving record.
 - c. The Employer shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.
3. The Employer occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.
4. If requested by the Township Administrator or Human Resources Officer, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.
5. In the event that the employee is under the influence of any medication (prescribed or over the counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Township and awaits clearance to resume driving.

Official Use Only. The use of Township vehicles is restricted to official Township business only. Employees shall not be permitted to use Township vehicles for travel or activity unrelated to Township business. Likewise, no supervisor may authorize such use or any use of a Township Vehicle for other than Township business or use which is otherwise inconsistent with this policy.

Township vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of their employment. No employee shall authorize or permit any other non-Township employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned Township vehicle, unless said passengers are assisting in the official business of the Township.

Township owned vehicles shall not be used for personal business except for business incidental to Township business, nor for driving to and from work, nor outside the State of New Jersey, except as required due to the work assignment and only with advance approval from the Township Administrator. When an employee uses the Township vehicle for any personal use as approved by the Township Administrator, the employee will be taxed for such use in accordance with the relevant IRS regulations.

Use of Personal Vehicles. When a Township vehicle is not available, or when one is not to be provided by hiring agreement, then use of personal vehicles on job-related duties shall be paid a stipulated amount per mile plus parking and toll fees. The amount to be paid per mile may be the allowable business travel allowance as stated in the Federal IRS 1040 tax filing document instructions for each year up to the discretion of the Township Administrator. The mileage shall be calculated from either one's work location or one's home (if applicable) to the business destination, whichever is shorter.

In that an employee is not covered by municipal insurance when using his/her personal vehicle for Township business purposes, the Township insurance committee may, when the employee applies with appropriate documentation of the loss incurred while on Township business, authorize payment, from the Township's self-insurance fund, of the deductible amount, up to a five hundred (\$500.00) dollar maximum. The insurance committee will consider all relevant facts of the claimed loss and will not unreasonably deny the deductible reimbursement, except where the employee is at fault in the incident.

Location of Vehicles. Employees who are assigned the regular use of a Township vehicle for official business may take the Township vehicle home only with the advanced approval of the Township Administrator. The Human Resources Officer may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Bernards Township vehicle, it is to be used only for official Township business; any other use is not permitted. Certain employees may have a separate memorandum of understanding with the township regarding the use of township vehicles which shall supersede this policy. At no time shall children be in the Township vehicle when responding to an emergency.

If the employee will be absent from duty for more than two (2) working days, or more than five (5) consecutive days, including weekends and holidays, the Township reserves the right to have the employee surrender the Township vehicle to his/her direct supervisor. An employee storing the vehicle at his residence must provide safe parking for the vehicle at all times.

Commuting. The use of a Township vehicle for driving to and from work is voluntary and does not entitle the employee to compensation or pay while engaged in that activity.

Accidents and Incidents. Prior to operation of any Township vehicle, employees must consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

1. In the event of an incident or accident involving the use of a Township Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports (Automobile Loss Notice Claim Form & First Report of Injury Form) and documentation must be submitted to the Township Administrator within two (2) business days of receipt.
2. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Township.

Citations and Violations

Operators of Township vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets received while operating a Township owned vehicle and MUST notify the Township of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred while operating a township owned vehicle. The Township should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Employees are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass) that occur while operating a Township vehicle. Upon having been notified of said violation, either by direct mail or notice from the Township, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the Township that the outstanding toll and any related fees have been paid.

Employees are required to report all serious moving violations, including but not limited to those listed below (whether incurred with a township vehicle during working hours or in a personal vehicle not during working hours). Employees who have been arrested and/or charged with one or more serious moving violations, including but not limited to those listed below must reported it to their supervisor and Human Resources Officer within forty-eight (48) hours of the receipt of the violation notice. Failure to report the moving violation will result in disciplinary action, including demotion or termination.

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Refusal to take breathalyzer
4. Negligent homicide arising out of the use of a motor vehicle
5. Operating a motor vehicle during a period of suspension or revocation
6. Using a motor vehicle for the commission of a felony
7. Aggravated assault with a motor vehicle
8. Operating a motor vehicle without owner's authority (grand theft)
9. Permitting an unlicensed driver to drive
10. Reckless driving
11. Speed contest
12. Leaving the scene of an accident

A finding of guilty by a court of competent jurisdiction of any of these offenses will result in the immediate suspension of Township driving privileges for a minimum of six (6) months. Additional offenses in violation of this policy will result in additional and more significant penalties at the discretion of the Township up to and including termination of employment. Driving privileges are defined as the authorized operation of vehicles owned, leased or controlled by Bernards Township or the employee's use of a personal vehicle while conducting business on behalf of the Township.

Individuals who are positions that require the operation of Township owned vehicles will be automatically terminated upon receipt of a third serious moving violation within a three-year period.

Prior to reinstatement of driving privileges, a confidential motor vehicle record check will be completed. General Policies and Procedures. Employees authorized to use a Township vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

1. Drivers must ensure that all required documents (driver's license, registration, insurance card) are in their possession while operating the Township vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
2. Any driver who has multiple moving violations may be denied use of Township vehicles.
3. At the close of business or at the end of shift each day, all vehicles are to be returned to the designated Township parking area or transferred to personnel from the oncoming shift, except as authorized by the Township Administrator.
4. Employees assigned exclusive use of a Township Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Township, in order to maintain all manufacturers' warranties (including routine oil changes).
5. Township vehicles shall be locked, and windows closed whenever the vehicle is parked.
6. Vehicles are to be kept clean at all times and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body). All trash will be removed from the vehicle at the end of every workday.
7. There will be no vaping, smoking or chewing of any tobacco products or use of electronic cigarettes in Township vehicles.
8. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving



TOWNSHIP OF BERNARDS

~~Township vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.~~

SECTION FIVE: EMPLOYMENT

- 9. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On." This applies to all personally owned, township-owned, leased, and rented vehicles.
- 10. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.
- 11. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Violation of this policy may result in disciplinary action up to and including the suspension of the employee's privilege to operate an Employer Vehicle and/or termination.

Any information obtained by Bernards Township in accordance with this policy shall be used by the Township only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C.2 2721 et seq.).

EMPLOYEE CATEGORIES & BENEFIT ELIGIBILITY

Employees are grouped into four (4) classifications:

- 1. Regular full-time employees who work thirty (30) hours or more per week shall receive the Township's full benefits package.

2. Regular part-time employees who are regularly scheduled to work twenty (20) hours a week or more shall receive paid time off benefits for vacation, sick, holiday, and personal time on a prorated basis and may be eligible for educational assistance with regard to training and licensing and certification.
3. Regular part-time employees who are regularly scheduled to work less than twenty (20) hours a week will receive holiday pay only for holidays falling on days they are normally scheduled to work. If the employee works a flexible schedule and does not have a regular work schedule (i.e., Tuesday and Thursday 8:30 am – 4:30 pm), they are not entitled to holiday pay.
4. Temporary/on-call employees are hired for project-and-assignment-specific needs and time frames and may work irregular schedules. A temporary employee is hired for a finite period of time to meet Township needs such as work volume, to fill in for an employee of leave of absence, etc. A seasonal employee is one whose duties are needed for a specific season (e.g., Crossing Guards, Parks and Recreation Camp Counselors, etc.). A temporary/on-call or seasonal employee in a non-exempt position is paid by the hour while a temporary/on-call or seasonal employee in an exempt position is paid according to the terms of hire for that individual. Temporary/on-call and seasonal employees do not receive any additional compensation or benefits provided by the Township, except as required by law. Student interns, i.e., individuals who have been accepted in or are currently enrolled in an accredited school, college or university and who are hired in a student intern role, are considered temporary employees.

Per the New Jersey Pensions and Benefits Handbook, any newly appointed or elected officer will be required to work a minimum of 35 hours per week to be considered “full-time” and eligible for coverage under the SHBP/SEHBP. Any employee or officer of a local employer who was enrolled on or before May 21, 2010, is eligible for continued coverage based on the minimum work hour requirements in place prior to May 21, 2010, provided there is no break in the employee’s/officer’s service or reduction in work hours.

EXEMPT EMPLOYEES

Exempt employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Employees in positions classified as Exempt shall be required to work a 35- or 40-hour workweek, depending on their role, and any additional hours needed to fulfill the responsibilities of the position. The annual rate established for such employees by the salary resolution or ordinance shall be their total compensation for all the time worked. Overtime pay shall only be granted to these employees in unusual circumstances and with the approval of the Township Administrator or his/her designee.

If an exempt employee uses un-accrued time off, the Township may substitute eligible time off benefits for the time missed. If an employee has a negative balance of full days of time off at the end of the year, the negative balance may be deducted from the subsequent year’s accruals or, in the event of termination, from the final paycheck.

NON-EXEMPT EMPLOYEES

Non-Exempt employees receive overtime pay in accordance with our overtime policy. Their salaries are calculated on an hourly basis.

INITIAL EMPLOYMENT PERIOD FOR REGULAR EMPLOYEES

New regular employees (or present employees transferring to new positions) go through an initial employment period of adjustment of not less than three months or more than one year as determined by the Human Resources Officer after recommendation by the Department Head.

At the end of the Initial Employment Period, the Supervisor will conduct an employee evaluation (see the Pay for Performance Program policy). Provided the employee’s job performance is satisfactory at

the end of the Initial Employment Period, the employee will continue in the Township's employment as an "at-will employee" and may be eligible for a salary adjustment in accordance with the pay plan.

Newly hired employees are eligible for scheduled holidays and may be eligible for use of accrued paid time off, with their Department Head's approval, during the Initial Employment Period.

OATH OF ALLEGIANCE

All regular new hires are required to sign an Oath of Allegiance, which will be administered by the Clerk's office.

POLICE OFFICER'S OATH OF OFFICE

All Police Officers will be sworn in by the Clerk's office and are required to take Oaths of Office.

DATE OF EMPLOYMENT

Every employee is appointed by the Township Committee or as appropriate, the Board of Health, Library Board or Sewerage Authority. The employee's date of employment is after the Committee appoints him/her. The first day of employment shall govern the determination of vacation and sick leave and other benefits, unless otherwise expressly provided in the appointment. For employees coming from other entities with similar work experience, recognition may be given to prior service credit in the calculation of vacation benefits.

NOTHING IN THIS SECTION SHALL BE DEEMED TO CREATE A GUARANTEE OF CONTINUED EMPLOYMENT OR ALTER THE AT-WILL NATURE OR EMPLOYMENT.

RECRUITMENT PROCEDURES

TOWNSHIP ADMINISTRATOR

The Township Committee shall be solely responsible for recruitment to fill a vacancy in the position of Township Administrator.

POSITIONS IN GRADES 12-18

In the event of a vacancy in a position classified by the Salary Ordinance in pay grades 12 - 18, the Department Head shall consult with the Human Resources Officer and the Township Administrator or, as appropriate, the Board of Health, Library Board or Sewerage Authority to determine the current organization needs, strategy and approach to fill the position. In some cases, an established succession plan may already be in place. If the selection approach includes recruitment, the Department Head will work with the Human Resources Officer to determine the recruitment strategy and process, which includes completion of a Job Requisition Form as well as the identification of the advertising/posting sources, interview panel and offer and approval process.

ALL OTHER POSITIONS

In the event of vacancy in all other positions, the Department Head shall notify the Human Resources Officer by submitting a *Job Requisition Form*. All regular positions require Township Committee approval or as appropriate, Board of Health, Library Board or Sewerage Authority approval prior to posting.

Seasonal/Temporary hiring of employees within budget constraints is considered operational and shall be handled by the Director of the appropriate department in conjunction with the Human Resources office.

RECRUITMENT FOR OPEN POSITIONS

Unless an approved position is to be filled in accordance with an established succession plan within the given department or other circumstances as determined by the Human Resources Officer in concert

with the Township Administrator or as appropriate, the Board of Health, Library Board or Sewerage Authority, job openings will be posted for a period of eight working days. This period of time may be extended based on the recruitment process results. Job Postings will be placed on the bulletin board in Town Hall outside the Court office, distributed to "Everyone" via e-mail, and under certain circumstances, posted on the Township's web site. The Township Committee, or as appropriate, the Board of Health, Library Board or Sewerage Authority may choose to interview applicants at their discretion.

The Township utilizes various means to advertise an open position, depending on the position. Examples are internal postings on Township bulletin boards, the Township website and other Internet sites, local access television, newspapers and professional publications or other means of recruitment that may be applicable to each specific opening.

RESIDENCY REQUIREMENTS FOR EMPLOYEES

In accordance with the "New Jersey First Act" (P.L. 2011, c. 70), effective September 1, 2011, Township employees shall have their "principal residence" in the State of New Jersey. Employees hired on or after September 1, 2011, who are not residents when hired receive a one-year exemption. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the Township.

If, however, an employee holds an office, employment, or position with the Township as of September 1, 2011 (the effective date of P.L.2011, c.70), but does not have his or her principal residence in this State on that effective date, he/she will not be subject to the residency requirement while he/she continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

All employees must be in compliance with this law and this stipulation is incorporated into the recruitment process.

INTERVIEW AND SELECTION

After applications are submitted, interviews shall be conducted by Human Resources and/or the Department Head, who shall select an applicant to be recommended for employment. The applicant may be tested for various skill sets, i.e., computer skills, driving skills, appropriate to the position being applied for. After selection of an applicant for employment, a background check will be performed.

When a candidate for a regular full time or part-time position accepts that position, a *Resolution of Appointment* shall be submitted to the Township Committee, Board of Health, Library Board or Sewerage Authority for their approval of such appointment, classification and compensation. An offer letter will be sent to the candidate to confirm the employment offer and their acceptance of the position.

MEDICAL EXAMINATION AND DRUG SCREENING

The Township reserves the right to require a medical examination and/or drug screening as a condition of employment. Such examination will be conducted after a conditional offer of employment is made, but before the employee starts work.

POSITION SPECIFIC CRIMINAL, SEX OFFENDER, CREDIT, MOTOR VEHICLE BACKGROUND CHECKS AND PHYSICALS

The Township reserves the right to require a criminal, sex offender, credit or motor vehicle background check or physical as a condition of employment dependent upon the specific position for which a candidate applies. Such pre-employment screenings will be conducted after a conditional offer of employment is made, but before the employee starts work. A signed authorization from the applicant is required before a background check may be requested from an outside reporting agency.



TOWNSHIP OF BERNARDS
~~Background checks are required of all candidates, whether paid or volunteer, that may work directly with children/youth/minors. Seasonal employees over the age of 18 who work in Parks and Recreation positions only, and all other seasonal employees, shall have background checks conducted by the Director of Parks and Recreation or his/her designee.~~

SECTION SIX: SEPARATING EMPLOYMENT

If the background check is favorable, Human Resources will notify the hiring Supervisor that the candidate is approved to begin employment.

The Human Resources Officer shall be informed of any information that would disqualify a person from working with children/youth/minors. The Human Resources Officer will review the information in consultation with legal counsel. The Human Resources Officer will inform the candidate of any information that would disqualify the person from working with children/youth/minors.

Some Township positions require a job-related physical examination, including a drug screening to determine whether the candidate is capable of performing essential functions of the position being offered. The Township coordinates the appointment, and the examinations are at no cost to the applicant.

Results of all background checks and physicals will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Such information will not be deemed a public record under P.L. 1963, C.72 (C:471A-1, et. seq.) as amended and supplemented by P.L. 2001, c.404(C:47:1A-5, et seq.).

Once a candidate has been notified of a disqualifying condition, the candidate has 14 calendar days to file a letter to appeal the decision to the Human Resources Officer, requesting a hearing with the Township Administrator or appropriate Director/Officer. 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;
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, 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 supervisor.

EMPLOYEE DEATH BENEFIT

In the event of the death of a regular employee, the Township shall pay for any unused vacation credited to him or her at the time of death. The Death Benefit of \$5,000 will be made to a full-time employee's designated beneficiary using the Township Payout Beneficiary form. If no form is on file, the beneficiary

will be as designated in the pension system or, if no other designation has been made, to the estate of the deceased employee.

Members of the PBA shall receive a death benefit in accordance with the negotiated agreement.

RESIGNING OR RETIRING

RESIGNING

An employee who intends to resign must notify their 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, unless they first obtain the approval of their Department Head.

RETIRING

Under State law, employees must enroll in the New Jersey Public Retirement System, or the Police and Fire Fighters Retirement System, or Defined Contribution Retirement Plan as applicable. The employee's contribution to the Plan will be deducted from the employee's pay and remitted to the state as required by law. The Township contribution for each employee is determined by and subsequently remitted to the state in accordance with the provisions of the law.

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.

SEPARATION - RESIGNATION, TERMINATION AND RETIREMENT

In the event of an employee's resignation, termination or retirement, the Department Head will prepare an Employee Advice Form, attach the employee's letter of resignation or retirement, and forward it to Human Resources. The Employee Advice Form must be reviewed and approved by the Human Resources Officer and the Township Administrator, or as appropriate, Health Officer, Library Director or Sewerage Authority Director, and forwarded to Finance for processing of any outstanding wages owed. Any additional monies owed, i.e., vacation, etc., must be approved by resolution of the Township Committee and may be paid out in a separate check following the Township Committee meeting at which such supplemental payment is approved. As paid time off (i.e., vacation, sick, personal) is accrued, should an employee resign and have used time that they had not yet accrued, the employee will be responsible for repayment of that time through a deduction in wages in their final pay.

The Human Resources Officer will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and final paychecks. The exit interview will also include an open discussion with the employee.

FINAL PAY CALCULATION

The employee will be provided with a *Memo of Separation*, which will outline any monies due the employee, i.e., overtime, vacation, etc., which must be approved by resolution of the Township Committee for any monies owed in addition to regular wages outstanding.

HEALTH BENEFITS UPON SEPARATION

Medical Plan benefits end as dictated by the *State Health Benefits Program*. Dental Plan benefits end on the last day of the month in which the employee's last day of employment falls. An employee, unless dismissed for gross misconduct, has the option to continue Medical/Dental benefits in accordance with

The Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations. Employees receive a copy of these regulations when hired. Terminating employees are provided with a "COBRA Packet" when they leave, which outlines their options and cost of said options should they choose to continue their participation in the plan(s).

All other benefits provided to the employee by the Township end at midnight on the employee's last day of employment.

PAID TIME OFF BENEFITS UPON SEPARATION:

1. Vacation Pay

Employees leaving the Township due to voluntary resignation, retirement or dismissal will be paid for their accrued, unused vacation days, except where termination is for cause or where the employee fails to give two weeks of notice.

If an employee has taken more time than for which they are eligible, the employee's final paycheck will be adjusted as such, reimbursing the Township for the time that the employee used and had not yet accrued.

2. Sick Time and Personal Time

At termination, other than as part of applicable retirement program payments, sick time and personal time have no cash value.

3. Holidays and Floating Holiday

At time of termination, Holiday pay for Holidays following the termination date and unused Floating Holiday(s) have no cash value.

4. Overtime and Compensatory Time Off

At time of termination, all accrued overtime will be paid out in a lump sum payment.

On the last day of work, and prior to receiving the final paycheck, the employee must return their Employee Identification Card, all keys and equipment and all other items listed on the Employee Termination Checklist.

EMPLOYER CONTRIBUTIONS UPON RETIREMENT

Bernards Township does not pay for health benefits in retirement for its employees. A contribution may be made to eligible employees for unused sick time to allow those individuals to save for health-related expenses during retirement.

Sick time is a benefit which is to be used for a personal illness. While the accumulation of sick time is unlimited and deemed to be used as anyone would use a short-term disability policy, a financial contribution may be made at retirement, as defined by the NJ Division of Pensions and Benefits, to employees who qualify under the following criteria:

PROGRAM ELIGIBILITY AND CALCULATION

Employees hired prior to January 1, 1987, and who qualify for a retirement contribution as outlined above, in addition to the contribution, the employee will be paid the following bonus upon retirement:

1. Any accumulated sick days over eight days in any year of accumulation for service between 1978 and 1986;
2. One-third of the unused base sick leave days earned at time of retirement;
3. Any unused personal leave that has been added to the payment accumulation.

PAYMENT UPON RETIREMENT PROGRAM

(Applicable to Teamsters, PBA Employees, when included in their negotiated agreement, and other Police personnel with arrest powers.)

Eligible employees will receive a cash payment based on the following criteria. All employer contributions on retirement have been capped at \$15,000 or as defined in the applicable agreements.

1. Upon retirement, the Township will make a cash payment of 50% of all sick leave earned from January 1, 1987, forward, less the amount taken, excluding any credit for prior public employment that the employee may have received at time of hire. The employee is also eligible for payment of any unused personal days if they have a positive sick leave calculation at the time of retirement. (See detailed calculation below.)
2. Payment will be based on the hourly rate at the time of retirement. If the number of hours worked per day changes during the employee's career, the calculation will be broken down to an hour unit rather than day unit.

RETIREMENT HEALTH SAVINGS PROGRAM (RHSP)

(Applicable to Non-Union Employees and Union Employees when included in their negotiated agreement)

There are no cash payments made upon retirement for the majority of employees. Participation in the Retirement Health Savings Plan (RHSP) is mandatory for eligible employees in accordance with the Plan provisions.

RHSP's may be funded in the following ways:

1. **Funding At Retirement or Upon the Death of a Retirement Eligible Employee**
Eligibility for a contribution to the RHSP at retirement requires an employee to have a positive balance of hours based upon the following calculation (calculation is the Township's long standing 1987 formula): 50% of sick time earned, less sick time used, plus unused personal time, times the hourly wage. Personal time is **only** paid out if the employee's sick calculation results in a positive balance. The personal time calculation = 100% of unused personal time earned prior to 12/31/2010 + 50% of unused personal time earned after 12/31/2010.

All contributions into the RHSP based on this formula in this section above will occur upon retirement or death. Retirement is defined as service, early, or disability as defined by the State of NJ Divisions of Pension and Benefits. The RHSP account will be 100% vested upon contribution.

Effective November 1, 2010, all non-union employees' RHSP contributions were capped at a maximum of \$15,000 unless the accumulated balance as of that date exceeded \$15,000. For those employees whose balance exceeded \$15,000 as of 11/1/2010, their maximum is the 11/1/2010 balance.

An employee must continue to meet eligibility requirements of sick time in accordance with the applicable Township policy to qualify for a RHSP account contribution at retirement.

In the event of a certified retiree's death, the RHSP account will be transferred to the employee's surviving spouse and/or surviving eligible dependents.

If a deceased certified retiree has no spouse or surviving dependents listed on the RHSP account, the balance in the account will be returned to the Township and a taxable distribution of the account balance will be made to the retiree's named beneficiary or estate.

2. **Active Employment Status Funding**

If an active employee meets the eligibility criteria for RHSP participation as defined in the Plan documents, the employee's RHSP is funded according to the applicable formula. See the CFO or Human Resources for the provisions of the RHSP.

In the event of an active employee's death, the RHSP account funded in this manner will be transferred to the employee's surviving spouse and/or surviving eligible dependents.

If the employee has no spouse or surviving dependents listed on the RHSP account, the balance in the account will be returned to the Township and a taxable distribution of the account balance will be made to the employee's named beneficiary or estate.

INVESTMENT OF THE RETIREMENT HEALTH SAVINGS PLAN FUNDS

The employee or retiree shall be responsible for the investment of their RHSP account funds.

All information regarding the retirement plan may be obtained from the office of the CFO or the State Division of Pension and Benefit

APPENDIX A



BERNARDS TOWNSHIP

APPENDIX A - CDL CONTROLLED SUBSTANCE AND ALCOHOL TESTING POLICY

SECTION A – GENERAL

This policy and 49 CFR Part 40 Regulations of the U. S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, are integral parts of this Policy and apply to all covered employees. They may be viewed at <http://www.dot.gov/odapc> Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping, and all other procedural requirements shall adhere to 49 CFR Part 40.

Bernards Township shall test, in accordance with Federal regulations, employees required to have a Commercial Driver's License (CDL) for the use of controlled substances that violate law or Federal regulation and the misuse of alcohol.

PURPOSE (382.101)

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

APPLICABILITY (382.103)

- (a) This policy applies to every person employed by Bernards Township who operates a commercial motor vehicle in commerce in any State, and is subject to:
 - (1) The commercial driver's license requirements of part 383;
 - (2) All Drivers Operating Commercial Motor Vehicles for Bernards Township; or
 - (3) The commercial driver's license requirements of the Canadian National Safety Code.
- (b) An employer who employs himself/herself as a driver must comply with both the requirements in this policy that apply to employers and the requirements in this policy that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.

The COVERED EMPLOYEE CERTIFICATE OF RECEIPT contains the name, address, and phone number of the responsible individual(s). The CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY complies with requirements of the Department of Transportation regulations as set forth in 49 CFR § 382 and 49 CFR Part 40. The DER shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. Bernards Township shall ensure that all covered employees are aware of the provisions and coverage of the Township's CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY and that all employees are notified prior to testing.

BERNARDS TOWNSHIP SERVICE AGENT CONTACT INFORMATION

DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: Thomas Nicoletti
TITLE: Supervisor of Public Works
ADDRESS: 1 Collyer Lane, Basking Ridge, NJ 07920

PHONE: (908) 204-3086
E-MAIL: tnicoletti@bernards.org
HOURS WHEN AVAILABLE: 7:00 AM – 4:00 PM, Monday through Friday

ALTERNATE DESIGNATED EMPLOYER REPRESENTATIVE (DER)

NAME: Emily Kesselmeyer

MEDICAL REVIEW OFFICER (MRO)

NAME: Dr. Jesmin Mitra (Ambassador Medical Services)
ADDRESS: 651 Route 73 North, Suite #308, Marlton, NJ 08053
PHONE: (856) 810-0233
FAX: (856) 810-0242

LABORATORY

NAME: MedTox Laboratories, Inc.
ADDRESS: 402 W. County Road D, St. Paul, MN 55112

SUBSTANCE ABUSE PROFESSIONAL (SAP)

NAME: CONCERN – Atlantic Health System
ADDRESS: 25 Lindsley Drive, Suite 100, Morristown, NJ 07960
PHONE: 1-800-242-7371

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

NAME:	Ambassador Medical Services	Somerset Valley Urgent Care
ADDRESS:	651 Route 73 North, Suite #308 Marlton, NJ 08053	470A US Highway 202-206 Bedminster, NJ 07921
PHONE:	(856) 810-0233	(908) 781-7171

BERNARDS TOWNSHIP'S INDEPENDENT AUTHORITY

This CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY sets forth the requirements of 49 CFR Parts 382 and 40. Those areas of the policy that appear in italic print reflect Bernards Township's independent authority to require additional provisions with regard to drug and alcohol testing procedures. To the extent the Township's state specific non-DOT Bernards Township Authority Policy supplements, and does not conflict with applicable DOT Regulations, and current agreements, it is to be followed. In the event that DOT Regulations are applicable to the driver's or applicant's particular situation or issue, the DOT Regulations pre-empt conflicting State Laws, the Township's non-DOT Policies and all other agreements.

PERIOD OF WORKDAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE

Safety-Sensitive Functions as covered under 49 CFR Part 382: In accordance with 49 CFR 382 drivers who possess CDL licenses are subject to DOT regulated alcohol and drug testing at all times from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver is required to be in compliance with this policy during that period of the workday when they are on-duty performing *safety-sensitive functions* (See *Definitions*).

DRIVER FITNESS FOR DUTY (391.11)

DOT regulations provide that Bernards Township as a DOT regulated employer makes the final determination of who is a qualified individual to drive a commercial motor vehicle. 49 CFR § 391.11(a). Bernards Township shall not permit a person to drive a commercial motor vehicle unless the person meets all DOT minimum qualifications and such other more stringent qualifications and requirements relating to safety of operation and employee safety and health as it may decide in its judgment and discretion. Bernards Township shall use the services of independent Certified Medical Examiners, Occupational Medicine Physicians, Medical Review Officers, as well as other medical and industry professionals to make its final fitness for duty determinations.

TESTING PROCEDURES (382.105)

Bernards Township shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in 49 CFR part 40. The provisions of 49 CFR part 40 that address alcohol or controlled substances testing are made applicable to Bernards Township by 382.105.

DEFINITIONS (382.107)

Words or phrases used in this policy are defined in Sections 386.2, 390.5 and 40.3 of Federal regulations, except as provided herein.

Actual knowledge for the purpose of Section B of this policy means actual knowledge by Bernards Township that a driver has used alcohol or controlled substances based on Bernards Township's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under 382.307.

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

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol. *[Caution: Certain brands and types of cough medicines contain alcohol.]*

CFR means Code of Federal Regulations.

Commerce means:

- (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and
- (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in (1) of this definition.

*Note: It is the position of the Federal Motor Carrier Safety Administrator that the above section (2) language covers all municipal vehicles which fit within the “Commercial Motor Vehicle” definition below, even if that vehicle does not cross state lines.

Commercial driver’s license Drug and Alcohol Clearinghouse (Clearinghouse) means the FMCSA database that subpart G of 49 CFR Part 382.701-727 requires employers and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations. Effective January 6, 2020, the FMCSA will establish a mandatory database and the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- (1) A verified positive, adulterated, or substituted drug test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to any test required by subpart C of this part;
- (4) An employer’s report of actual knowledge, as defined at § 382.107;
- (5) On duty alcohol use pursuant to § 382.205;
- (6) Pre-duty alcohol use pursuant to § 382.207;
- (7) Alcohol use following an accident pursuant to § 382.209; and
- (8) Controlled substance use pursuant to § 382.213;
- (9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
- (10) A negative return-to-duty test; and
- (11) An employer’s report of completion of follow-up testing.

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

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers’ drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of Federal regulations.

Controlled substances mean those substances identified in 40.85. As of January 1, 2018, the drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); and (5) Opioids.

Designated employer representative (DER) is an individual identified by Bernards Township as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of Bernards Township. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions. Damage to motor vehicles that could have been driven but would have been further damaged if so driven.
- (2) Exclusions:
 - a. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - b. Tire disablement without other damage even if no spare tire is available.
 - c. Headlight or taillight damage.
 - d. Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, 653, and 654) in accordance with 49 CFR part 40.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed Commercial Motor Vehicle drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means an entity, including a municipal employer, employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this Federal regulation. The term, as used in this policy, refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this policy and any applicable DOT agency regulations. Service agents are not employers for the purpose of Federal regulations.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Negative return-to-duty test means a return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02, as described in § 40.305.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive alcohol test means an alcohol test with an alcohol concentration of greater than or equal to 0.04.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part.

Refuse to submit (to an alcohol or controlled substances test) means that you as a driver:

- (a)(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by C/TPA (see §40.61(a));
 - (2) Fail to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
 - (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
 - (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
 - (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
 - (6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, Sec.40.197 (b));
 - (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
 - (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
 - (9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
 - (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - (11) Admit to the collector or MRO that you adulterated or substituted the specimen.
 - (12) For a breath alcohol test, refusing to sign the certification at Step 2 of the ATF 40.261 (a) (3).
- (b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- (c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. 40.191

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

Safety-sensitive functions shall include:

- (1) All time at an employer facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

- (2) All time inspecting servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, using a vehicle for road clearing, snow removal, trash and recycling removal, remaining in readiness to operate the vehicle, and
- (5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test) means:

- (1) In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- (2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Service agent means any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

PREEMPTION OF STATE AND LOCAL LAWS (382.109)

- (a) Except as provided in paragraph (b) of this section, the Federal regulation requiring this alcohol and controlled substances testing preempts any State or local law, rule, regulation, order to the extent that:
 - (1) Compliance with both the State or local requirement and the Federal regulation is not possible;
or
 - (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of this Federal regulation.
- (b) This policy, and the Federal regulation requiring it, shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, Bernards Township or the general public.

OTHER REQUIREMENTS IMPOSED BY BERNARDS TOWNSHIP (382.111)

Except as expressly provided in this policy, nothing in the Federal regulation 382 and 49 CFR part 40 shall be construed to affect the authority of Bernards Township, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation. Accordingly, Bernards Township has adopted, under its own authority, a non-DOT drug and alcohol testing program. Please see the Alcohol and Drug-Free Workplace Policy in the Personnel Rules & Regulations Section of this Handbook.

REQUIREMENT FOR NOTICE (382.113)

Before performing an alcohol or controlled substances test under the Federal regulation, Bernards Township shall notify a driver that the alcohol or controlled substances test is required by Federal regulation. Bernards Township shall not falsely represent that a test is administered under Federal regulation.

PUBLIC INTEREST EXCLUSION (382.117)

Bernards Township shall not use the services of a service agent who is subject to a public interest exclusion (PIE) in accordance with 49 CFR part 40, Subpart R. This is a service agent who has been found by the DOT to be disqualified from providing services to DOT regulated employers.

EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCE USE (382.121)

- (a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy and 49 CFR part 40, provided that:
- (1) The admission is in accordance with Bernards Township's written voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
 - (2) The driver does not self-identify in order to avoid testing under the requirements of this part;
 - (3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
 - (4) The driver does not perform a safety sensitive function until Bernards Township is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- (b) A qualified voluntary self-identification program or policy must contain the following elements:
- (1) It prohibits Bernards Township from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;
 - (2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
 - (3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
 - (4) It must ensure that:
 - (i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
 - (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty-controlled substance test with a verified negative test result for controlled substances use; and
 - (5) It may incorporate employee monitoring and include non-DOT follow-up testing.

DRIVER IDENTIFICATION (382.123)

- (a) For each alcohol test performed, Bernards Township shall provide the driver's commercial driver's license number and State of issuance in Step 1, Section B of the Alcohol Testing Form (ATF).
- (b) For each controlled substance test performed under this part, Bernards Township shall provide the following information, which must be recorded as follows:
 - (i) The driver's commercial driver's license number and State of issuance in Step 1, section C of the Federal Drug Testing Custody and Control Form (CCF).

- (ii) The employer's name and other identifying information required in Step 1, section A of the ATF.

EMPLOYEE ASSISTANCE PROGRAM

Bernards Township's employee assistance program (EAP) called CONCERN is a confidential program designed to assist in the identification and resolution of problems associated with employees impaired by alcohol or drugs, or other personal concerns that may adversely affect employee job performance.

SECTION B – PROHIBITIONS

ALCOHOL CONCENTRATION (382.201)

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If Bernards Township has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, the driver will not be permitted to perform or continue to perform safety-sensitive functions.

ON-DUTY USE (382.205)

No driver shall use alcohol while performing safety-sensitive functions. If Bernards Township has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, that driver shall not be permitted to perform or continue to perform safety-sensitive functions.

PRE-DUTY USE (382.207)

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If Bernards Township has actual knowledge of a driver who has used alcohol within four (4) hours, that driver will not be permitted to perform or continue to perform safety-sensitive functions.

USE FOLLOWING AN ACCIDENT (382.209)

No driver required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST (382.211)

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382.311. Bernards Township shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

DISCLOSURE OF OFF-DUTY DUI AND DRUG OFFENSE ARREST AND/OR CONVICTION (382.111)

In accordance with the authority granted to Bernards Township by the DOT in 49 CFR 382.111 to impose other requirements to prevent alcohol misuse by Drivers, it is mandatory that Drivers disclose to their supervisor by the end of the business day arrest and/or convictions for all alcohol and/or drug related offenses committed while operating any motor vehicle. This will allow Bernards Township to immediately remove from safety sensitive functions, Drivers who have engaged in off – duty unsafe behavior related to alcohol or drug misuse (which is directly related to their safety sensitive functions performed for the Bernards Township) to make determinations as follows: 1) if the Driver is fit for duty; 2) if the Driver is still qualified under DOT regulations to operate a CMV for the Township; 3) if the Driver is still insurable at standard rates under the Bernards Township fleet policy; and 4) if the Driver can still meet the essential job functions for the position of Driver. It is an Essential Job Function of every DOT regulated Driver that they be qualified and licensed to operate a CMV without the use of a judicially ordered interlocking device, or similar device as part of a diversion or conviction for an alcohol related offence.

PRE-DUTY DISCLOSURE OF ANY IMPAIRING EFFECT MEDICATION OR SUBSTANCES (382.213)

- (a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- (b) Bernards Township, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform a safety-sensitive function.
- (c) Bernards Township may require a driver to inform Bernards Township of any therapeutic drug use.

All drivers of Bernards Township are required, as a safety rule and under DOT regulations, to pre-duty disclosure that they are taking ANY impairing affect therapeutic drug, prescription medication (including medical marijuana), over-the-counter medication, mind altering synthetic or designer drugs or substances which may have an effect on their ability to safely operate a commercial motor vehicle or the performance of safety-sensitive duties. It is an essential function of every driver's position at Bernards Township to be able to work in a constant state of alertness and in a safe manner. If the fact that the driver is taking an impairing effect drug, medication or substance is not disclosed pre-duty by a driver, and the driver tests positive or is determined by the MRO to be a potential safety risk due to a drug, medication or substance, that driver will be subject to discipline, up to and including termination for violation of this safety rule. If disclosure is made, Bernards Township, in accordance with its authority under 49 CFR Part 391.11(a), reserves the right to send the driver for a Fitness-for-Duty evaluation to evaluate the medication and its possible adverse effects on the driver's ability to safely operate a commercial motor vehicle or the performance of other safety-sensitive duties. In determining whether the employee has a legally valid prescription so as to constitute a legitimate medical explanation, consistent with the Controlled Substances Act (CSA), the MRO will use the CSA standard when conducting his medical review (49 CFR Part 40.137).

In advance of the operation of a commercial motor vehicle, or the performance of other safety-sensitive duties, or testing, drivers are strongly encouraged (and mandated by DOT Regulations) to have their own doctor make an individualized assessment of any safety related risks of the drug, medication or substance which they are taking, providing the doctor a copy of their job description or specific duties, and having the doctor render an opinion on the safety related risks. The driver need not disclose to their supervisor the drug, medication or substance, or the medical condition involved, to fulfill this pre-duty disclosure obligation of this safety policy, but may do so confidentially to the DER. All information provided will be kept separate from personnel files and in a confidential manner by the DER. The MRO will make the final determination on the driver's ability to safely operate a commercial motor vehicle or the safety related risks of any particular drug, medication or substance, although Bernards Township shall make the final determination on whether the driver is qualified to drive/operate a commercial motor vehicle.

CONTROLLED SUBSTANCE TESTING (382.215)

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. Bernards Township, having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions. In accordance with 49 CFR Part 40.171, when the MRO has notified the driver that he or she has a verified positive drug test and/or refusal to test because of adulteration or substitution, the driver has 72 hours from the time of notification to request a test of the split specimen.

EMPLOYER RESPONSIBILITIES (382.217)

No employer may allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which an employer determines that a driver is not in compliance with the return-to-duty requirements in 49 CFR part 40, subpart O, after the occurrence of any of the following events:

1. The driver receives a positive, adulterated, or substituted drug test result conducted under part 40;
2. The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration conducted under part 40;
3. The driver refused to submit to a test for drugs or alcohol required under § 382; or
4. The driver used alcohol prior to a post-accident alcohol test in violation of § 382.209.

CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B

Any driver who engages in any conduct prohibited by Section B of the policy will be subject to disciplinary action up to and including termination.

SECTION C – TESTS REQUIRED

Required testing includes pre-employment (controlled substances required, alcohol at option of Bernards Township), post-accident, random, and reasonable suspicion. Return-to-duty and follow-up-testing is also required for an employee to return to a safety-sensitive function after the required evaluation by a Substance Abuse Professional and the required rehabilitation.

NON-DOT DRUG AND ALCOHOL TESTING

In addition to drug and alcohol testing conducted by Bernards Township pursuant to 49 CFR Part 40 and 49 CFR Part 382, the Township reserves the right to screen and/or test employees under the Bernards Township's Alcohol and Drug-Free Workplace Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective bargaining agreements. The term "illegal use of drugs" includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227]. This may also include a "zero tolerance" policy for the use of drugs or alcohol.

PRE-EMPLOYMENT TESTING (382.301)

- (a) Prior to the first time a driver performs safety-sensitive functions for Bernards Township, the driver shall undergo testing for controlled substances as a condition prior to being used, unless Bernards Township uses the exception in paragraph (b) of this section. Bernards Township shall not allow a driver, who the Township intends to hire or use, to perform safety-sensitive functions unless the Township has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver. Bernards Township shall require a re-collection of a urine specimen on any pre-employment, return-to-duty and follow-up drug test if the result is negative-dilute. The MRO has authority to direct the re-collection be observed. If the second test result is also negative-dilute, Bernards Township shall accept the result as a negative test.
- (b) Bernards Township is not required to administer a controlled substances test required by paragraph (a) of this section if:
 - (1) The driver has participated in a controlled substances testing program that meets the requirements of this policy within the previous 30 days; and
 - (2) While participating in that program, either--
 - i. Was tested for controlled substances within the past 6 months (from the date of application with Bernards Township), or

- ii. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with Bernards Township); and
 - (3) Bernards Township ensures that no prior employer of the driver of whom the Township has knowledge has records of a violation of this policy or the controlled substances use rule of another DOT agency within the previous six months.
- (c) (1) If Bernards Township exercises the exception in paragraph (2) of this section, the Township shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:
- i. Name(s) and address(es) of the program(s).
 - ii. Verification that the driver participates or participated in the program(s).
 - iii. Verification that the program(s) conforms to part 40 of Federal regulations.
 - iv. Verification that the driver is qualified under the rules of this policy, including that the driver has not refused to be tested for controlled substances.
 - v. The date the driver was last tested for controlled substances.
 - vi. The results of any tests taken within the previous six months and any other violations of the Prohibitions section of this policy.
- (d) Bernards Township may, but is not required to, conduct pre-employment alcohol testing under this policy. If the Township chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:
- (1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
 - (2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).
 - (3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.
 - (4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of Federal regulation.
 - (5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

POST-ACCIDENT (382.303)

- (a) As soon as practicable following an occurrence involving a commercial motor vehicle operated on a public road in commerce, Bernards Township shall test for alcohol for each of its surviving drivers:
- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- (b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, Bernards Township shall test for controlled substances for each of its surviving drivers:
- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (1. a.), (2. a.), (1. b.), and (2. b.) of this section:

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO THE CMV DRIVER	TEST MUST BE PERFORMED BY BERNARDS TOWNSHIP
HUMAN FATALITY	YES	YES
	NO	YES
BODILY INJURY WITH IMMEDIATE MEDICAL TREATMENT AWAY FROM THE SCENE	YES	YES
	NO	NO
DISABLING DAMAGE TO ANY MOTOR VEHICLE REQUIRING TOW AWAY	YES	YES
	NO	NO

(d) (1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, Bernards Township shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, Bernards Township shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, Bernards Township shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by Bernards Township to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) Bernards Township shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by Bernards Township.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the Township.

(h) Exception. This section does not apply to:

- (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3) by an employee of Bernards Township unless the motor vehicle

is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 177.823.

RANDOM (382.305)

- (a) Bernards Township shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.
- (b) (1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.
(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.
- (c) (1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.
(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.
(3) Each driver selected for testing shall be tested during the selection period.
- (d) (1) To calculate the total number of covered drivers eligible for random testing throughout the year, Bernards Township will add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in Bernards Township's random testing pool, and all covered drivers must be in the random pool. If the Township conducts random testing more often than once per month (e.g., daily, weekly, bi-weekly) the Township does not need to compute this total number of covered drivers rate more than on a once per month basis.
(2) Bernards Township may use a service agent (e.g., a C/TPA) to perform random selections and covered drivers may be part of a larger random testing pool of covered employees. However, the Township must ensure that the service agent is testing at the appropriate percentage established for FMCSA and that only covered employees are in the random testing pool
- (e) (1) Bernards Township shall ensure that random alcohol and controlled substances tests conducted under this policy are unannounced.
(2) The Township shall ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.
- (f) Bernards Township shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Township shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- (g) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- (h) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for Bernards Township, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.
- (i) If Bernards Township is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency the Township may-

- a. Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or
- b. Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the Township is subject.

REASONABLE SUSPICION (382.307)

- (a) Bernards Township shall require a driver to submit to an alcohol test when the Township has reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning alcohol. The Township's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- (b) Bernards Township shall require a driver to submit to a controlled substances test when there is reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning controlled substances. The Township's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.
- (c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or an official of Bernards Township who is trained in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. If the employee insists on driving, the proper local enforcement authority should be notified that an employee, who we believe may be under the influence of a drug or alcohol, is leaving Bernards Township premises driving a motor vehicle.
- (d) Alcohol testing is authorized by DOT/FMCSA regulations only if the observations required by paragraph (1.) of this section are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with the Federal regulation. A driver may be directed by the Township to only undergo reasonable suspicion alcohol testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.
- (e) (1) If an alcohol test required by DOT/FMCSA regulations is not administered within two (2) hours following the determination under paragraph (1.) of this section, Bernards Township shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by DOT/FMCSA regulations is not administered within eight (8) hours following the determination under paragraph (1.) of this section, the Township shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(2) Notwithstanding the absence of a reasonable suspicion alcohol test under DOT/FMCSA regulations, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Township permit the driver to perform or continue to perform safety-sensitive functions, until:
 - i. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

- ii. Twenty-four (24) hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this policy concerning the use of alcohol.

(3) Except as provided in paragraph (e)(2) of this section, the Township shall take no action under this policy against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit Bernards Township with independent authority of DOT/FMCSA regulations from taking any action otherwise consistent with law.

- (f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test and signed by the supervisor or an official of the Township who made the observations, with 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

RETURN TO DUTY TESTING (382.309)

The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

FOLLOW-UP TESTING (382.311)

The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

SECTION D – HANDLING OF TEST RESULTS, RECORD RETENTION AND CONFIDENTIALITY

RETENTION OF RECORDS (382.401)

(a) General requirement. Bernards Township shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) Period of retention. Bernards Township shall maintain the records in accordance with the following schedule:

- (1) Five years. The following records shall be maintained for a minimum of five years:
 - i. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
 - ii. Records of driver verified positive controlled substances test results,
 - iii. Documentation of refusals to take required alcohol and/or controlled substances tests,
 - iv. Driver evaluation and referrals,
 - v. Calibration documentation,
 - vi. Records related to the administration of the alcohol and controlled substances testing programs,
 - vii. Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations, and
 - viii. A copy of each annual calendar year summary required by 382.403.
- (2) Two years. Records related to the alcohol and controlled substances collection process (Except calibration of evidential breath testing devices).
- (3) One year. Records of negative and canceled controlled substances test results (as defined in part 40 of Federal regulations) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

- (4) Indefinite period. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the Township while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
- (c) Types of records. The following specific records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of Federal regulations and this policy. If the record is required to be prepared, it must be maintained.
- (1) Records related to the collection process:
- i. Collection logbooks, if used,
 - ii. Documents relating to the random selection process,
 - iii. Calibration documentation for evidential breath testing devices,
 - iv. Documentation of breath alcohol technician training,
 - v. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests,
 - vi. Documents generated in connection with decisions on post-accident tests,
 - vii. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing and
 - viii. A copy of each annual calendar year summary as required by 382.403.
- (2) Records related to a driver's test results:
- i. Bernards Township's copy of the alcohol test form, including the results of the test,
 - ii. The Township's copy of the controlled substances test chain of custody and control form,
 - iii. Documents sent by the MRO to Bernards Township, including those required by part 40, Subpart G,
 - iv. Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this policy and
 - v. Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this policy.
 - vi. Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that Bernards Township
 - (A) Must obtain in connection with the exception contained in 382.301 of this policy, and
 - (B) Must obtain as required by 382.413.
- (3) Records related to other violations of this policy.
- (4) Records related to evaluations:
- i. Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance and
 - ii. Records concerning a driver's compliance with recommendations of the substance abuse professional.
- (5) Records related to education and training:
- i. Materials on alcohol misuse and controlled substances use awareness, including a copy of the Township's policy on alcohol misuse and controlled substances use,
 - ii. Documentation of compliance with requirements of 382.601, including the driver's signed receipt of education materials,
 - iii. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;

- iv. Documentation of training for breath alcohol technicians as required by 40.213(a), and
- v. Certification that any training conducted under these Federal Regulations complies with requirements for such training.

(6) Administrative records related to alcohol and controlled substances testing:

- i. Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, and consortia and/or with a C/TPA,
- ii. Names and positions of officials and their role in the Township's alcohol and controlled substances testing program(s),
- iii. Semi-annual laboratory statistical summaries of urinalysis required by 40.111 (a) of Federal regulations and
- iv. Bernards Township's alcohol and controlled substances testing policy and procedures.

(d) Location of records. All records required by this policy shall be maintained as required by 390.31 and shall be made available for inspection at Bernards Township's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM (382.403)

(a) Bernards Township shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Township or any of its drivers.

(b) If Bernards Township is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the Township's annual calendar year summary information, the Township shall prepare and submit the report to the FMCSA by March 15 of that year. Bernards Township shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. Bernards Township must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at Sec. 40.26 and appendix H to part 40). The Township may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard copy, for MIS form submission. For information on the electronic version of the form, see:
<http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>.

You must use the form at appendix H to this part. You may also view and download the updated (1.01.2018) instructions at the DOT's website: (<https://www.transportation.gov/odapc>). You must submit the MIS report in accordance with rule requirements (e.g., dates for submission, selection of companies required to submit, and method of reporting) established by the DOT agency regulating your operation.

(c) When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. ***Entity Name*** shall ensure the accuracy and timeliness of each report submitted by Bernards Township or a consortium.

(d) If Bernards Township has a covered employee who performs multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the Township), then that employee shall be counted only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the

employee performs more than 50% of his or her duties. Bernards Township may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

- (e) A service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) may prepare the MIS report on behalf of Bernards Township. However, a Township official (e.g., Designated employer representative) must certify the accuracy and completeness of the MIS report, no matter who prepares it.

ACCESS TO FACILITIES AND RECORDS (382.405)

- (a) Except as required by law or expressly authorized or required, Bernards Township shall not release driver information that is contained in records required to be maintained under 382.401.
- (b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. Bernards Township will promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.
- (c) Bernards Township shall permit access to all facilities utilized in complying with the requirements of this policy to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Township or any of its drivers.
- (d) Bernards Township and each service agent who maintains records for an employer, must make available copies of all results for DOT alcohol and/or controlled substances testing conducted by the Township and any other information pertaining to the Township's alcohol misuse and/or controlled substances use prevention program when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over Bernards Township or any of its drivers.
- (e) When requested by the National Transportation Safety Board as a part of a crash investigation:
 - i. Bernards Township must disclose information related to the Township's administration of a post-accident alcohol and/or a controlled substances test administered following the crash under investigation; and
 - ii. FMCSA will provide access to information in the Clearinghouse (once established) concerning drivers who are involved with the crash under investigation.
- (f) When requested by the National Transportation Safety Board as part of an accident investigation, Bernards Township shall disclose information related to the Township's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.
- (g) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.
- (h) Bernards Township may disclose information required to be maintained under this policy pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought).

- (i) Bernards Township shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR part 40.321(b).

MEDICAL REVIEW OFFICER NOTIFICATIONS TO BERNARDS TOWNSHIP (382.407)

The medical review officer shall report the results of controlled substances tests to Bernards Township in accordance with the requirements of 49 CFR part 40, Subpart G.

MEDICAL REVIEW OFFICER RECORD RETENTION FOR CONTROLLED SUBSTANCES (382.409)

- (a) A medical review officer or third-party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years for verified positive controlled substances test results.
- (b) A medical review officer or third-party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of one (1) year for negative and canceled controlled substances test results.
- (c) No person may obtain the individual controlled substances test results retained by a medical review officer (MRO as defined in § 40.3) or a consortium/third party administrator (C/TPA as defined in 382.107), and no MRO or C/TPA may release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph (c) shall prohibit an MRO or a C/TPA from releasing to the employer, the Clearinghouse (once established), or to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the controlled substances and alcohol testing program under this part, the information delineated in part 40, subpart G.

EMPLOYER NOTIFICATIONS (382.411)

- (a) Bernards Township shall notify a driver of the results of a pre-employment controlled substances test conducted under this policy, if the driver applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. Bernards Township shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The Township shall also inform the driver which controlled substance or substances were verified as positive.
- (b) The designated employer representative (DER) shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.
- (c) The designated employer representative (DER) shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 24 hours.

INQUIRIES FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION FROM PREVIOUS EMPLOYERS (382.413)

- (a) Bernards Township must request alcohol and controlled substances information from previous employers in accordance with the requirements of § 40.25, except that the Township must request information from all DOT-regulated employers that employed the driver within the previous 3 years and the scope of the information requested must date back 3 years.
- (b) As of January 6, 2023, employers must use the Drug and Alcohol Clearinghouse in accordance with § 382.701(a) to comply with the requirements of § 40.25 of this title with respect to FMCSA-regulated employers. **Exception:** When an employee who is subject to follow-up testing has not successfully

completed all follow-up tests, employers must request the previous employer's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5).

- (c) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT Agency other than FMCSA, the Township must request the alcohol and controlled substances information required under this section and § 40.25 directly from those employers regulated by a DOT Agency other than FMCSA.

NOTIFICATION TO EMPLOYERS OF A CONTROLLED SUBSTANCES OR ALCOHOL TESTING PROGRAM VIOLATION (382.415)

Each person holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements under § 382 who has violated the alcohol and controlled substances prohibitions under part 40 or under § 382 without complying with the requirements of part 40, subpart O, must notify in writing all current employers of such violation(s). The driver is not required to provide notification to the employer that administered the test or documented the circumstances that gave rise to the violation. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first.

SECTION E – CONSEQUENCES FOR DRIVER'S ENGAGING IN SUBSTANCE USE-RELATED CONDUCT

REMOVAL FROM SAFETY-SENSITIVE FUNCTION (382.501)

- (a) Except as provided in Section F of this policy, no driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by the Prohibitions Section of this policy or an alcohol or controlled substances rule of another DOT agency.
- (b) Bernards Township shall not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the Township has determined that the driver has violated this policy.
- (c) For the purposes of DOT/FMCSA regulations, commercial motor vehicle means a commercial motor vehicle in commerce as defined in 382.107 and a commercial motor vehicle in interstate commerce as defined in part 390.

REQUIRED EVALUATION AND TESTING (382.503)

No driver who has engaged in conduct prohibited by Section B of this policy shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O. Bernards Township shall not permit a driver who has engaged in conduct prohibited by Section B of this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O.

OTHER ALCOHOL-RELATED CONDUCT (382.505)

- (a) No driver tested under the provisions of Section C of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for Bernards Township, including driving a commercial motor vehicle, nor shall the Township permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- (b) Except as provided in paragraph (a) of this section, Bernards Township shall not take any action under this policy against a driver based solely on test results showing an alcohol concentration less

than 0.04. This does not prohibit the Township with authority independent of this policy from taking any action otherwise consistent with law.

The use or possession of alcoholic beverages while on the Township's property, or in any of the Township's vehicle, or on Bernards Township's time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

Employees who are not at work, but who could be called out are expected to be fit for duty upon reporting for work. If an employee is under the influence of alcohol, the employee must notify Bernards Township's personnel when contacted. Failure to advise the Township of alcohol consumption may result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employee's supervisor must be notified.

The supervisor must objectively observe the employee's behavior and if possible, substantiate the behavior with a second supervisor. Supervisors must have received training in alcohol and/or substance abuse detection. The supervisor must follow procedures outlined in the policy. If a determination to test for reasonable suspicion is made, the employee is immediately removed from safety-sensitive duties and the DER is contacted.

PENALTIES (382.507)

Bernards Township and/or driver who violates the FMCSA requirements of § 382 and/or 49 CFR part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. Section 521(b).

SECTION F – ALCOHOL MISUSE & CONTROLLED SUBSTANCES USE INFORMATION, TRAINING & REFERRAL

BERNARDS TOWNSHIP'S OBLIGATION TO PROMULGATE A POLICY ON THE MISUSE OF ALCOHOL & USE OF CONTROLLED SUBSTANCES (382.601)

- (a) Bernards Township shall provide educational materials that explain the requirements of this policy and the Township's policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements.
 - (1) Bernards Township shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
 - (2) Bernards Township shall provide written notice to representatives of employee organizations of the availability of this information.

- (b) The materials to be made available to drivers shall include detailed discussion of at least the following:
 - (1) The identity of the person designated by Bernards Township to answer driver questions about the materials; (COVERED EMPLOYEE CERTIFICATE OF RECEIPT)
 - (2) The categories of drivers who are subject to the provisions of this policy; (APPLICABILITY)
 - (3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with the policy; (PERIOD OF THE WORKDAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE)
 - (4) Specific information concerning driver conduct that is prohibited by this policy; (SECTION B - PROHIBITIONS)
 - (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d); (SECTION C - TESTS REQUIRED)
 - (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing process, safeguard the validity of the test

- results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d); (49 CFR part 40)
- (7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy; (REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST)
 - (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences; (DEFINITIONS)
 - (9) The consequences for drivers found to have violated Section B of this policy, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR part 40, Subpart O; (CERTIFICATE OF RECEIPT, CONSEQUENCES OF PROHIBITED CONDUCT; and CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B, and SECTION E)
 - (10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; (OTHER ALCOHOL-RELATED CONDUCT 382.505)
 - (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management;
- (c) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse (once established):
- (1) A verified positive, adulterated, or substituted drug test result;
 - (2) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) A refusal to submit to any test required by subpart C;
 - (4) An employer's report of actual knowledge, as defined at § 382.107;
 - (5) On-duty alcohol use pursuant to § 382.205;
 - (6) Pre-duty alcohol use pursuant to § 382.207;
 - (7) Alcohol use following an accident pursuant to § 382.209; and
 - (8) Controlled substance use pursuant to § 382.213;
 - (9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
 - (10) A negative return-to-duty test; and
 - (11) An employer's report of completion of follow-up testing.
- (d) Certificate of receipt. Bernards Township shall ensure that each driver is required to sign a statement certifying that he/she has received a copy of these materials described in this section. Bernards Township shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

TRAINING FOR SUPERVISORS (382.603)

Bernards Township shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

REFERRAL, EVALUATION & TREATMENT (382.605)

The requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR part 40, Subpart O.

SECTION G – REQUIREMENTS & PROCEDURES FOR IMPLEMENTATION OF THE COMMERCIAL DRIVER’S LICENSE DRUG & ALCOHOL CLEARINGHOUSE

The purpose of Bernards Township’s Policy update in advance of the Compliance Date of January 6, 2020 as mandated by § 382.601: 1) is part of the Township’s efforts to meet its *Employer Obligation to Promulgate a Policy on the Misuse of Alcohol and Use of Controlled Substance*; 2) to publish educational materials to drivers about the Clearinghouse and other regulatory changes contained in the Final Rule issued December 5, 2016; and 3) to notify drivers that drug and alcohol test information will be reported to the Clearinghouse beginning January 6, 2020 so as to encourage drivers to seek substance abuse treatment if they currently have a problem with the misuse of alcohol and/or use of controlled substance(s).

DRUG & ALCOHOL CLEARINGHOUSE (382.701)

(a) Pre-employment query

- (1) Employers must not employ a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.
- (2) Bernards Township must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

(b) Annual query

- (1) Bernards Township must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 382, to determine whether information exists in the Clearinghouse about those employees.
- (2) In lieu of a full query, as described in paragraph (a)(2) of 382.701, Bernards Township may obtain the individual driver’s consent to conduct a limited query to satisfy the annual query requirement in paragraph (b)(1) of this section. The limited query will tell Bernards Township whether there is information about the individual driver in the Clearinghouse but will not release that information to Bernards Township. The individual driver may give consent to conduct limited queries that is effective for more than one year.
- (3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, in accordance with paragraph (a)(2) of 382.701, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer conducts the full query and the results confirm that the driver’s Clearinghouse record contains no prohibitions as defined in paragraph (d) of 382.701.

(c) Employer notification. If any information described in paragraph (1.) of this section is entered into the Clearinghouse about a driver during the 30-day period immediately following an employer conducting a query of that driver’s records, FMCSA will notify the employer.

(d) Prohibition. No employer may allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in

violation of § 382.209, or used a controlled substance in violation of § 382.213, except where a query of the Clearinghouse demonstrates:

- (1) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, of this title; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
 - (2) That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with § 40.307 and specified in the SAP report required by § 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, and achieves a negative return-to-duty test result, and the employer assumes the responsibility for managing the follow-up testing process associated with the testing violation.
- (e) Recordkeeping required. Employers must retain for 3 years a record of each query and all information received in response to each query made under this section. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement.

DRIVER CONSENT TO PERMIT ACCESS TO INFORMATION IN THE CLEARINGHOUSE (382.703)

- (a) No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent. The employer conducting the search must retain the consent for 3 years from the date of the last query.
- (b) Before Bernards Township may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the employer access to the following specific records:
- (1) A verified positive, adulterated, or substituted controlled substances test result;
 - (2) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) A refusal to submit to a test in violation of § 382.211;
 - (4) An employer's report of actual knowledge, as defined at § 382.107, of:
 - (i) On duty alcohol use pursuant to § 382.205;
 - (ii) Pre-duty alcohol use pursuant to § 382.207;
 - (iii) Alcohol use following an accident pursuant to § 382.209; and
 - (iv) Controlled substance use pursuant to § 382.213;
 - (5) A SAP report of the successful completion of the return-to-duty process;
 - (6) A negative return-to-duty test; and
 - (7) An employer's report of completion of follow-up testing.
- (c) No employer may permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by paragraphs (a) and (b) of 382.703.
- (d) A driver granting consent under 382.703 must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with § 382.701(a)(2) or (b)(3).
- (e) A driver granting consent under this section grants consent for the Agency to release information to an employer in accordance with § 382.701(c).

REPORTING TO THE CLEARINGHOUSE (382.705)

- (a) MROs.
- (1) Within 2 business days of making a determination or verification, MROs must report the following information about a driver to the Clearinghouse:
 - (i) Verified positive, adulterated, or substituted controlled substances test results;
 - (ii) Refusal-to-test determination by the MRO in accordance with 49 CFR 40.191(a)(5), (7), and (11), (b), and (d)(2).
 - (2) MROs must provide the following information for each controlled substances test result specified in paragraph (a)(1) of this section:
 - (i) Reason for the test;
 - (ii) Federal Drug Testing Custody and Control Form specimen ID number;

- (iii) Driver's name, date of birth, and CDL number and State of issuance;
- (iv) Employer's name, address, and USDOT number, if applicable;
- (v) Date of the test;
- (vi) Date of the verified result; and
- (vii) *Test result*. The test result must be one of the following:
 - (A) Positive (including the controlled substance(s) identified);
 - (B) Refusal to test: adulterated;
 - (C) Refusal to test: substituted; or
 - (D) Refusal to provide a sufficient specimen after the MRO makes a determination, in accordance with § 40.193 of this title, that the employee does not have a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. Under this subpart a refusal would also include a refusal to undergo a medical examination or evaluation to substantiate a qualifying medical condition.

(3) Within 1 business day of making any change to the results report in accordance with paragraph (a)(1) of this section, a MRO must report that changed result to the Clearinghouse.

(b) Employers.

(1) Employers must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- (ii) A negative return-to-duty test result;
- (iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;
- (iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and
- (v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title.

(2) The information required to be reported under paragraph (b)(1) of this section must include, as applicable:

- (i) Reason for the test;
- (ii) Driver's name, date of birth, and CDL number and State of issuance;
- (iii) Employer name, address, and USDOT number;
- (iv) Date of the test;
- (v) Date the result was reported; and
- (vi) *Test result*. The test result must be one of the following:
 - (A) Negative (only required for return-to-duty tests administered in accordance with § 382.309);
 - (B) Positive; or
 - (C) Refusal to take a test.

(3) For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the employer must report the following information:

- (i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
- (ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);
- (iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to paragraph (b)(6) of this section when the reported refusal occurred (if applicable); and

- (iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under paragraph (b)(3) of this section.
 - (4) Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:
 - (i) On-duty alcohol use pursuant to § 382.205;
 - (ii) Pre-duty alcohol use pursuant to § 382.207;
 - (iii) Alcohol use following an accident pursuant to § 382.209; and
 - (iv) Controlled substance use pursuant to § 382.213.
 - (5) For each violation in paragraph (b)(4) of this section, the employer must report the following information:
 - (i) Driver's name, date of birth, CDL number and State of issuance;
 - (ii) Employer name, address, and USDOT number, if applicable;
 - (iii) Date the employer obtained actual knowledge of the violation;
 - (iv) Witnesses to the violation, if any, including contact information;
 - (v) Description of the violation;
 - (vi) Evidence supporting each fact alleged in the description of the violation required under paragraph (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
 - (vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (b)(4) of this section.
 - (6) An employer who employs himself/herself as a driver must designate a C/TPA to comply with the employer requirements in paragraph (b) of this section related to his or her own alcohol and controlled substances use.
- (c) *C/TPAs.* Any employer may designate a C/TPA to perform the employer requirements in paragraph (b) of this section. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with this section. Exception: an employer does not retain responsibility where the C/TPA is designated to comply with employer requirements as described in paragraph (b)(6) of 382.705.
- (d) *SAPs.*
- (1) SAPs must report to the Clearinghouse for each driver who has completed the return-to-duty process in accordance with 49 CFR part 40, subpart O, the following information:
 - (i) SAPs name, address, and telephone number;
 - (ii) Driver's name, date of birth, and CDL number and State of issuance;
 - (iii) Date of the initial substance-abuse-professional assessment; and
 - (iv) Date the SAP determined that the driver demonstrated successful compliance as defined in 49 CFR part 40, subpart O, and was eligible for return-to-duty testing under 382.
 - (2) SAP must report the information required by paragraphs (d)(1)(i) through (iii) of this section by the close of the business day following the date of the initial substance abuse assessment, and must report the information required by paragraph (d)(1)(iv) of 382.703 by the close of the business day following the determination that the driver has completed the return-to-duty process.
- (e) *Reporting truthfully and accurately.* Every person or entity with access must report truthfully and accurately to the Clearinghouse and is expressly prohibited from reporting information he or she knows or should know is false or inaccurate.

Reporting Entities and Circumstances	
Reporting Entity	When Information Will Be Reported to Clearinghouse
Prospective/Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
Service Agent acting on behalf of Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
MRO	<ul style="list-style-type: none"> — Verified positive, adulterated, or substituted drug test result — Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191
SAP	<ul style="list-style-type: none"> — Identification of driver and date the initial assessment was initiated — Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing

NOTICE TO DRIVERS OF ENTRY, REVISION, REMOVAL OR RELEASE OF INFORMATION (382.707)

(a) FMCSA must notify a driver when information concerning that driver has been added to, revised, or removed from the Clearinghouse.

(b) FMCSA must notify a driver when information concerning that driver has been released from the Clearinghouse to an employer and specify the reason for the release.

(c) Drivers will be notified by letter sent by U.S. Mail to the address on record with the State Driver Licensing Agency that issued the driver’s commercial driver’s license. Exception: A driver may provide the Clearinghouse with an alternative means or address for notification, including electronic mail.

DRIVERS’ ACCESS TO INFORMATION IN THE CLEARINGHOUSE (382.709)

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

CLEARINGHOUSE REGISTRATION (382.711)

(a) *Clearinghouse registration required.* Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.

(b) *Employers.*

(1) Employer Clearinghouse registration must include:

- (i) Name, address, and telephone number;
- (ii) USDOT number, except if the registrant does not have a USDOT Number, it may be requested to provide other information to verify identity; and
- (iii) Name of the person(s) the employer authorizes to report information to or obtain information from the Clearinghouse and any additional information FMCSA needs to validate his or her identity.

(2) Employers must verify the names of the person(s) authorized under paragraph (b)(1)(iii) of this section annually.

(3) Identification of the C/TPA or other service agent used to comply with the requirements of this part, if applicable, and authorization for the C/TPA to query or report information to the Clearinghouse. Employers must update any changes to this information within 10 days.

(c) *MROs and SAPs.* Each MRO or SAP must provide the following to apply for Clearinghouse registration:

- (1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity;
- (2) A certification that the applicant's access to the Clearinghouse is conditioned on his or her compliance with the applicable qualification and/or training requirements in 49 CFR part 40; and
- (3) Evidence of required professional credentials to verify that the applicant currently meets the applicable qualification and/or training requirements in 49 CFR part 40.

(d) *C/TPAs and other service agents.* Each consortium/third party administrator or other service agent must provide the following to apply for Clearinghouse registration:

- (1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity; and
- (2) Name, title, and telephone number of the person(s) authorized to report information to and obtain information from the Clearinghouse.
- (3) Each C/TPA or other service agent must verify the names of the person(s) authorized under paragraph (d)(2) of 382.711 annually.

DURATION, CANCELLATION & REVOCATION OF ACCESS (382.713)

(a) *Term.* Clearinghouse registration is valid for 5 years, unless cancelled or revoked.

(b) *Cancellation.* FMCSA will cancel Clearinghouse registrations for anyone who has not queried or reported to the Clearinghouse for 2 years.

(c) *Revocation.* FMCSA has the right to revoke the Clearinghouse registration of anyone who fails to comply with any of the prescribed rights and restrictions on access to the Clearinghouse, including but not limited to, submission of inaccurate or false information and misuse or misappropriation of access rights or protected information from the Clearinghouse and failure to maintain the requisite qualifications, certifications and/or training requirements as set forth in part 40 of this title.

AUTHORIZATION TO ENTER INFORMATION INTO THE CLEARINGHOUSE (382.717)

- (a) *C/TPAs*. No C/TPA or other service agent may enter information into the Clearinghouse on an employer's behalf unless the employer designates the C/TPA or other service agent.
- (b) *SAPs*. A driver must designate a SAP before that SAP can enter any information about the driver's return-to-duty process into the Clearinghouse.

PROCEDURES FOR CORRECTING INFORMATION IN THE DATABASE (382.17)

- (a) Petitions limited to inaccurately reported information.
 - (1) Under this section, petitioners may challenge only the accuracy of information reporting, not the accuracy of test results or refusals.
 - (2) *Exceptions*.
 - (i) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge that the driver received a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances if the citation did not result in a conviction. For the purposes of this section, conviction has the same meaning as used in 49 CFR part 383.
 - (ii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge (other than as provided for in paragraph (a)(2)(i) of this section) if that report does not comply with the reporting requirements in § 382.705(b)(5).
 - (iii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of a violation under 49 CFR 40.261(a)(1) or 40.191(a)(1) if that report does not comply with the reporting requirements in § 382.705(b)(3).
- (b) *Petition*. Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse. The petition must include:
 - (1) The petitioner's name, address, telephone number, and CDL number and State of issuance;
 - (2) Detailed description of the basis for the allegation that the information is not accurate; and
 - (3) Evidence supporting the allegation that the information is not accurate. Failure to submit evidence is cause for dismissing the petition.
- (c) *Submission of petition*. The petitioner may submit his/her petition electronically through the Clearinghouse or in writing to: Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Attention: Drug and Alcohol Program Manager, 1200 New Jersey Avenue SE, Washington, D.C. 20590.
- (d) *Notice of decision*. Within 45 days of receiving a complete petition, FMCSA will inform the driver in writing of its decision to remove, retain, or correct the information in the database and provide the basis for the decision.
- (e) *Request for expedited treatment*.
 - (1) A driver may request expedited treatment to correct inaccurate information in his or her Clearinghouse record under paragraph (a)(1) of this section if the inaccuracy is currently preventing him or her from performing safety-sensitive functions, or to remove employer reports under paragraph (a)(2) of this section if such reports are currently preventing him or her from performing safety-sensitive functions. This request may be included in the original petition or as a separate document.

(2) If FMCSA grants expedited treatment, it will subsequently inform the driver of its decision in writing within 14 days of receipt of a complete petition.

(f) *Administrative review.*

(1) A driver may request FMCSA to conduct an administrative review if he or she believes that a decision made in accordance with paragraph (d) or (e) of this section was in error.

(2) The request must prominently state at the top of the document: "Administrative Review of Drug and Alcohol Clearinghouse Decision" and the driver may submit his/her request electronically through the Clearinghouse or in writing to the Associate Administrator for Enforcement (MC-E), Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.

(3) The driver's request must explain the error he or she believes FMCSA committed and provide information and/or documents to support his or her argument.

(4) FMCSA will complete its administrative review no later than 30 days after receiving the driver's request for review. The Associate Administrator's decision will constitute the final Agency action.

(g) *Subsequent notification to employers.* When information is corrected or removed in accordance with this section, or in accordance with 49 CFR part 10, FMCSA will notify any employer that accessed the incorrect information that a correction or removal was made.

AVAILABILITY & REMOVAL OF INFORMATION (382.719)

(a) Driver information not available. Information about a driver's drug or alcohol violation will not be available to an employer conducting a query of the Clearinghouse after all of the following conditions relating to the violation are satisfied:

(1) The SAP reports to the Clearinghouse the information required in § 382.705(d);

(2) The employer reports to the Clearinghouse that the driver's return-to-duty test results are negative;

(3) The driver's current employer reports that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title; and

(4) Five years have passed since the date of the violation determination.

(b) Driver information remains available. Information about a particular driver's drug or alcohol violation will remain available to employers conducting a query until all requirements in paragraph (a) of this section have been met.

(c) *Exceptions.*

(1) Within 2 business days of granting a request for removal pursuant to § 382.717(a)(2)(i), FMCSA will remove information from the Clearinghouse.

(2) Information about a particular driver's drug or alcohol violation may be removed in accordance with § 382.717(a)(2)(ii) and (iii) or in accordance with 49 CFR part 10.

(d) *Driver information remains available.* Nothing in this part shall prevent FMCSA from using information removed under this section for research, auditing, or enforcement purposes.

FEES (382.721)

FMCSA may collect a reasonable fee from entities required to query the Clearinghouse. **Exception:** No driver may be required to pay a fee to access his or her own information in the Clearinghouse.

UNAUTHORIZED ACCESS OR USE PROHIBITED (382.723)

- (a) Except as expressly authorized in this subpart, no person or entity may access the Clearinghouse. No person or entity may share, distribute, publish, or otherwise release any information in the Clearinghouse except as specifically authorized by law. No person may report inaccurate or misleading information to the Clearinghouse.
- (b) An employer's use of information received from the Clearinghouse is limited to determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle. No employer may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle.
- (c) Violations of this section are subject to civil and criminal penalties in accordance with applicable law, including those set forth at § 382.507.
- (d) Nothing in this part shall prohibit FMCSA from accessing information about individual drivers in the Clearinghouse for research, auditing, or enforcement purposes.

ACCESS BY STATE LICENSING AUTHORITY (382.725)

- (a) In order to determine whether a driver is qualified to operate a commercial motor vehicle, the chief commercial driver's licensing official of a State must obtain the driver's record from the Clearinghouse if the driver has applied for a commercial driver's license from that State.
- (b) By applying for a commercial driver's license, a driver is deemed to have consented to the release of information from the Clearinghouse in accordance with this section.
- (c) The chief commercial driver's licensing official's use of information received from the Clearinghouse is limited to determining an individual's qualifications to operate a commercial motor vehicle. No chief driver's licensing official may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining an individual's qualifications to operate a commercial motor vehicle.
- (d) A chief commercial driver's licensing official who does not take appropriate safeguards to protect the privacy and confidentiality of information obtained under this section is subject to revocation of his or her right of access under this section.

PENALTIES (382.727)

An employer, employee, MRO, or service agent who violates any provision of this subpart shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b)(2)(C).

INVESTIGATION & INQUIRIES (391.23)

- (e) (4) As of January 6, 2023, employers subject to § 382.701(a) of § 382 must use the Drug and Alcohol Clearinghouse to comply with the requirements of this section with respect to FMCSA-regulated employers.

(i) *Exceptions.*

- (A) If an applicant who is subject to follow-up testing has not successfully completed all follow-up tests, the employer must request the applicant's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5) of Part 40.
- (B) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT mode other than FMCSA, the employer must request alcohol and controlled substances information required under this section directly from those employers regulated by a DOT mode other than FMCSA.

(ii) [*Reserved*]

- (f) (1) A prospective motor carrier employer must provide to the previous employer the driver's consent meeting the requirements of § 40.321(b) of Part 40 for the release of the information in paragraph (e) of 391.23. If the driver refuses to provide this consent, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle for that motor carrier.
- (2) If a driver refuses to grant consent for the prospective motor carrier employer to query the Drug and Alcohol Clearinghouse in accordance with paragraph (e)(4) of 391.23, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle.

**BERNARDS TOWNSHIP
COMMERCIAL MOTOR VEHICLE DRIVER'S**

 **APPENDIX B - CERTIFICATE OF COMPLIANCE WITH DOT CELL-PHONE/TEXTING BANS**

MOTOR CARRIERS: The restrictions in 49 CFR Part 392 on using a mobile telephone or texting while driving apply to every operator of a "commercial motor vehicle" as defined in Section 390.5, including interstate vehicles weighing or rated at 10,001 pounds or more, vehicles placarded for hazardous materials, and certain vehicles designed or used for more than 8 passengers (including the driver). In-state operations of vehicles placarded for hazardous materials are also subject to the restrictions. Other in-state-only operations may also be subject, depending on state rules.

DRIVERS: Part 392 of the Federal Motor Carrier Safety Regulations contains restrictions on texting and the use of hand-held mobile telephones while driving a commercial motor vehicle (CMV), including the following:

- **TEXTING BAN (392.80):** You may not manually enter text into or read text from an electronic device while driving a CMV. This includes e-mailing, text messaging, using the internet, pressing more than one button to start or end a phone call, or any other form of text retrieval or entry for communication purposes.
- **HAND-HELD CELL-PHONE BAN (392.82):** You are prohibited from using a hand-held cell phone while driving a CMV. This includes talking on a phone while holding it in your hand (including push-to-talk), pressing more than a single button to dial or answer a cell phone, or leaving your normal, seated driving position to reach for a cell phone.

*Except as prohibited under Bernards Township policy, you are allowed to use a hands-free phone, a CB radio, a navigation system, a two-way radio, a music player, or a fleet management system for purposes other than texting. Texting and hand-held cell-phone use are **only** allowed if you need to contact emergency services or if you have stopped in a safe location off the road.*

PENALTIES (383.51, 391.15, 49 CFR 386): CDL and non-CDL drivers can be disqualified for 60 up to 120 days and/or face fines of up to \$2,750 for each violation. Bernards Township can be fined up to \$11,000 for each violation.

It is understood that the above information is being provided to the employee in an effort by Bernards Township to show good faith efforts to achieve compliance with the above-cited regulations. (49 CFR § 386.81)