



Bernards Township

HANDBOOK FOR ELECTED OFFICIALS, APPOINTED OFFICIALS AND VOLUNTEERS

Administration Office: One Collyer Lane, Basking Ridge, NJ 07920
Amended January 2, 2020



IMPORTANT DISCLAIMER

Bernards Township has prepared this Handbook to summarize many of the Township's policies, procedures and programs. No Handbook can anticipate every circumstance or question about policy. The Township reserves the right to revise, add to, or delete 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. This Handbook replaces any prior written and oral communications about the subjects contained in it.

Neither this Handbook, nor any Township policy, procedure nor communication shall create any right or guarantee status for any period. No representative of the Township may enter into any agreement or make any representations to 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.



INTRODUCTION

The Township plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest professional and ethical standards. Public service is an honorable and rewarding endeavor that offers many benefits both personally and professionally.

As a Township volunteer, elected or appointed official, you have certain obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest.

All Township volunteers and elected and appointed officials have a right to a safe workplace free of discrimination, violence, illegal 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 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 policy, contact the Human Resources office or the Township Administrator for further information.

Neither this Handbook nor any other Township document confers any contractual right, either expressed or implied. The provisions of this Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

All individuals receiving this Handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained by the Municipal Clerk.

Mayor James Baldassare
January 2, 2020



Township of Bernards

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GENERAL POLICY

It is the policy of the Township to treat volunteers and elected and appointed officials in a manner consistent with all applicable laws and regulations. The policies and procedures set forth herein shall apply to all volunteers and elected and appointed officials.

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

The Township has a “no tolerance” policy towards workplace wrongdoing. Township employees, volunteers, contractors, vendors and elected and appointed officials are to report anything perceived to be improper to the Human Resources office or the Township Administrator. The Township believes strongly in an Open Door Policy and encourages individuals to talk with the Human Resources office or the Township Administrator concerning any problem.

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

RIGHTS AND OBLIGATIONS



SELECTION PROCEDURES FOR APPOINTED OFFICIALS AND VOLUNTEERS

The selection procedures for appointed officials and volunteers are established based on the individual board and volunteer requirements.

Position Specific Criminal, Sex Offender, Credit, Motor Vehicle Background Checks and Physicals

The Township reserves the right to require a criminal, sex offender, credit, fingerprinting and/or motor vehicle background check or physical as a condition of service dependent upon the specific position or role for which an individual is considered. Such pre-service screenings will be conducted after a conditional agreement of service is made, but before the individual begins service. A signed authorization from the candidate is required before a background check may be requested from an outside reporting agency.

Sex Offender checks are required of all candidates that may work directly with children/youth/minors. Those individuals over the age of 18 will have a Sex Offender check conducted by the Human Resources department or their designee.

If the background check is favorable, the appointing body will be notified that the individual is approved to begin service. The Human Resources Manager and/or the Chief of Police, as appropriate to the role for which the background check is made, shall be informed of any information that would disqualify a candidate from a position and/or working with children/youth/minors. The outcome of the subsequent review will be communicated to the appointing body.

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 with the Township Administrator. 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 of 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 supervision.



BENEFIT ELIGIBILITY

Volunteers and Elected and Appointed Officials are not eligible for paid time off benefits. Volunteers are not eligible for Township benefit programs. 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.



OPEN DOOR POLICY

The Township encourages all volunteers and elected and appointed officials who feel they have been treated unfairly or contrary to the Township's policies to discuss their concerns with the Human Resources office or Township Administrator. This includes concerns regarding harassment or discrimination. Please refer to the following policies – *Non-Discrimination*, *Anti-Harassment Policy* and *Complaint Policy* - below as to complaint procedures.



NON-DISCRIMINATION

The Township maintains a policy of non-discrimination on the basis of race, creed, color, religion, sex, sexual orientation, pregnancy civil union status, gender identity or expression, age, national origin, marital status, veteran status, disability or handicap which can be reasonably accommodated without undue hardship, genetic information or any other classification protected by federal, state or local law or regulation.

All Township representatives, including volunteers and, elected and appointed officials are encouraged to report any instance of alleged discrimination or harassment. All inquiries and reports of discrimination should be directed to the Human Resources office or the Township Administrator.

Bernards Township is committed to creating an environment where all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including illegal harassment. The Township will not tolerate discrimination or illegal harassment of or by any Township representative towards anyone, including any volunteer or elected or appointed official or member of the public. Harassment Awareness training will be conducted on an annual basis for supervisory personnel and bi-annually for non-supervisory personnel and within two weeks of hire for all new personnel.

Individuals who feel they have been subject to discrimination or illegal harassment as prohibited above, should file a complaint pursuant to the Township's *Anti-Harassment Policy Complaint Procedure*, noted below.



ANTI-HARASSMENT POLICY

The Township is committed to maintaining a workplace free from harassment, sexual or otherwise, or intimidation of any individual, male or female, that is severe or pervasive enough to alter the terms and conditions of one's service.

The Township does not accept, condone or tolerate actions of harassment by any person associated with the Township on the basis of any personal characteristic, including, but not limited to race, creed, color, religion, sex, sexual orientation, pregnancy national origin, civil union status, gender identity or expression, age, marital or political status, veteran status, disability or handicap, genetic information, or any other classification protected by federal, state or local law.

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Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as race, creed, color, religion, sex, sexual orientation, pregnancy age, national origin, marital or political status, veteran status, civil union status, gender identity or expression, genetic information, disability or handicap which can be reasonably accommodated without undue hardship or any other classification protected by federal, state or local law or regulation. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace.

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 otherwise alters the terms and conditions of one's service or position.

Applicability

Township officials, appointees and volunteers alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. All parties engaged in a professional business relationship with the Township of Bernards are also expected to abide by the policy.

Sexual Harassment

One type of harassment is sexual harassment. The Township prohibits sexual harassment in any form. Sexual harassment of non-employees by a Township representative is also prohibited.

Such conduct shall result in appropriate disciplinary action up to and including dismissal from service or position.

Sexual Harassment Defined

Sexual harassment is unwelcome, unsolicited conduct of a sexual nature or because of one's sex, which an individual reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical, verbal or nonverbal nature where:

- a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining service or position; 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 service or position, or
- c) That conduct or communication is severe and pervasive enough to significantly alter the terms and conditions of service or position, has the purpose or effect of substantially or unreasonably interfering with an individual's service or position, or creating an intimidating hostile or offensive work environment

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:

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

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment should confront his/her harasser and make clear that such behavior is not welcome. The individual may bring the complaint directly to the Township Administrator or the Human Resources office.

Human Resources may ask the individual to complete a Harassment Complaint Form. The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Harassment Complaint Form is preferred but not required. The alleged harassment does not have to occur on Township property during regular work hours for a complaint to be filed under this policy.

Under no circumstances shall an individual be required to make a report of harassment to the person he/she is accusing of harassment. Any individual who receives a complaint of harassment or of conduct which would violate this policy from a non-employee or has knowledge of harassment or conduct which would violate this policy, by any Township agent, volunteer or representative, must report the matter to the Human Resources office immediately. The failure to make such a report may subject the individual to discipline.

The Township encourages individuals who witness conduct which they believe violates the Township's Anti-Harassment Policy to report the violation pursuant to this complaint procedure. All personnel are required to ensure adherence to and compliance with this policy.

The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 120 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. Human Resources shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include Human Resources 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.

1. The investigation will, at a minimum, include an interview with the individual 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 service or position. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.

2. All individuals 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.
3. In the event that the Township determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the individual who caused the complaint to be filed.

The Township has a compelling interest in protecting the integrity of its investigations. 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.

The Township may decide in some circumstances that in order to achieve these objectives, the investigation must be maintained in strict confidence. If the Township reasonably imposes such a requirement and an individual does not maintain such confidentiality, the individual may be subject to disciplinary action up to and including immediate termination.

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.

Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Human Resources office or the Township Administrator

Any individual with questions regarding the Township's *Anti-Harassment Policy* may contact the Human Resources office.



COMPLAINT POLICY

To foster sound relations through communication and reconciliation of problems, the Township provides employees, volunteers, and elected and appointed officials with an established procedure for expressing Township-related concerns. **If a complaint is one of discrimination or harassment please go to the policies on Non-Discrimination and Anti-Harassment and follow the procedures noted there.**

In situations where a complaint is filed, the following steps should be taken:

1. If the individual believes that he/she has a legitimate Township-related complaint, the individual is encouraged to first attempt to resolve the issue(s) through discussions with the individual in charge of the individual's work for the Township.
2. If the situation is not satisfactorily settled verbally, the individual may meet with Human Resources.

3. If the matter of complaint cannot be satisfactorily settled in discussions with Human Resources, the individual may, with prior notice to Human Resources, request in writing a meeting with the Township Administrator.

The Township will attempt to resolve the complaint within a reasonable period of time while preserving the confidentiality and privacy of those involved to the extent feasible.



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.



VIOLENCE

Bernards Township maintains the policy that any violent acts or threats of the same, made by any volunteer or elected or appointed official against another person’s life, health, well-being, and family or property or for the purpose of intimidation, are entirely unacceptable and cause for immediate action, including, where appropriate, termination of the relationship with the Township. This policy applies to any threats made on Township property, at Township events or under other circumstances that may negatively affect the Township’s ability to conduct business. 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.

Any individual 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 in the capacity described above, should contact Human Resources and/or the Police, as appropriate to the situation, immediately.

Prohibited Conduct

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited.

- a) Causing physical injury to another person;
- b) Making threatening remarks;

- c) Aggressive, hostile or intimidating behavior that creates a reasonable fear of injury or loss to another person or to personal property or subjects another individual to emotional distress;
- d) Intentionally damaging employer property or property of another;
- e) Possession of a weapon while on Township property or while on Township business;
- f) Committing acts motivated by, or related to, harassment or domestic violence.

Reporting Procedures

Any potentially dangerous situations must be reported immediately to the Police and/or the Human Resources office, as appropriate to the situation. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The Township will actively intervene at any indication of a possibly hostile or violent situation.

Enforcement

Threats, threatening or intimidating conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any individual determined to have committed such acts will be subject to immediate discipline or other action, including, where appropriate, termination of the relationship with the Township. Individuals engaged in violent acts on Township premises will also be reported to the proper authorities.



AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

The Township is committed to complying with all applicable provisions of the *Americans With Disabilities Act* ("ADA") as amended by the Americans with Disabilities Amendment Act "ADAAA") and the *New Jersey Law Against Discrimination*.



ALCOHOL-FREE AND DRUG-FREE POLICY

The Township has a vital interest in maintaining a safe, healthy and efficient environment. Being under the influence of drugs or alcohol on Township premises or while on Township business poses serious safety and health risks to the user and to those who work or come in contact with the user. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of illegal drugs or alcohol on Township premises poses unacceptable risks for safe, healthy and efficient operations.

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 illegal drugs and alcohol.

All volunteers and elected and appointed officials are required to abide by the terms of this policy and to notify the Township of any criminal drug statute conviction for a violation occurring no later than five (5) days after such conviction. Failure to adhere to this policy may result in discipline or other action, including where appropriate, termination of the relationship with the Township.

Authorized Use Of Prescribed Medication

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Any individual undergoing prescribed medical treatment with any drug that may impair his/her ability to perform his/her position without posing a safety risk to himself/herself or others must report this treatment to the Human Resources office, who is required to maintain the confidentiality of any information regarding an individual's medical condition in accordance with the Health Insurance Portability and Protection Act.

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.



ETHICS POLICY

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

Bernards Township is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and among Township personnel. The highest standards of ethical business conduct are required of Township officials and volunteers in performance of their responsibilities. Officials and volunteers 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. Officials and volunteers 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:

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

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

Concerns should be directed to the Township Administrator or the Human Resources office for review and investigation. Retaliation against officials and volunteers who use this reporting mechanism to raise genuine concerns will not be tolerated.



CONFLICT OF INTEREST STATEMENT

Bernards Township conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations. Volunteers and elected and appointed officials must conduct business according to the highest ethical standards of public service.

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The Township recognizes the right of individuals associated with the Township 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 individual and the municipality's interests may be unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain officials are required to annually file with the Municipal Clerk a state mandated disclosure form. The Municipal Clerk will notify municipal officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an elected or appointed official is in a position to influence a municipal decision that may result in a personal gain for the individual 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 the individual's household. All elected and appointed officials 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 Municipal Clerk to obtain clarification.



SAFETY POLICY

The Township will provide a safe and healthy work environment and shall comply with the *Public Employees Occupational Safety and Health Act* (PEOSHA). The Township is equally concerned about the safety of the public. Volunteers and appointed and elected officials are responsible for observing safety rules. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the Human Resources office. 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.



POLITICAL ACTIVITY

It shall be declared policy of the Township to appoint all appointed officials and volunteers without regard to political considerations.

No Township volunteer elected or appointed official shall directly or indirectly use or seek to use his/her authority for contributions for political campaign purposes.



PUBLIC RECORDS

Bernards Township public officials 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 a public agency generates or receives in the transaction of its 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 & Enterprises 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.

Note: So much of the township’s business dealings are done through e-mail, public officials and volunteers must read and understand the township’s policy specifically concerning the management of e-mail found in handbook section below. 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.



E-MAIL POLICY

Access to the Internet may be provided to volunteers, contractors, vendors, elected and appointed officials for the benefit of Bernards Township and its residents. All such Internet users have a responsibility to maintain and enhance the Township's public image and to use

the Internet in a productive manner. To ensure that all Internet users are protecting the Township's public image, the following guidelines have been established for using the Internet.

Confidentiality, Privacy and Monitoring

All Township computer systems, including e-mail and Internet connections, 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 any third party other than in the ordinary course of business on behalf of the Township. Anyone using the Township's computer systems is cautioned that e-mail and Internet systems do not provide complete confidentiality and no Township Internet user has any right to privacy when they use Township systems. The Township has the right to access, monitor and disclose the contents of any file or electronic message composed, sent received or viewed on Township computer systems, including but not limited to breaches of security, violations of Township policy or other computer system or e-mail misuse.

Each individual elected or appointed to any board, committee, or commission in Bernards Township understands that the use of personal e-mail 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) and/or other statutes pertaining to access to government records.

Acceptable Uses of the Internet

Individuals accessing the Township's Internet systems are representing the Township. All communications should be for professional reasons. Users are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed for Township business. E-mail may be used for business contacts.

Unacceptable Uses of the Internet

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Township network or the networks of other users.

Unacceptable Uses of Work E-Mail

The Bernards Township e-mail system should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of Township e-mail for personal gain, family businesses, charity, donations, children's activities is strictly prohibited.

E-Mail Communications

All Township Internet users 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. Users may not attempt to obscure the origin of any message. A generic 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. Township Internet users are prohibited from expressing personal opinions through use of the Township's Internet names and connections.

Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential and accessed only by the intended recipient. Users 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 Manager. Users should not attempt to gain access to another user'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.

Instant Messaging

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.

Work Product Ownership

The Township retains legal ownership of the work product of all Elected Officials. 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 individual is elected to office in Bernards Township can be claimed, construed or presented as their property, even after their commission with the Township is terminated or the relevant project completed. If any individual 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.

Software

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 through the Information Technology Director or someone authorized to do so by the Information Technology Director.

Copyright Issues

Copyrighted materials belonging to entities may not be transmitted on the Internet. One copy of the copyrighted material may be downloaded for 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. Failure to observe copyright or license agreements may result in legal action by the copyright owner.

Security

All messages created, sent or retrieved over the Internet are the property of Bernards Township. 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. Even when a message is erased, it is possible to retrieve and read that message. 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.

Computer documents, including email, and instant messages are considered Township documents and may be disclosed under the Open Public Records Act (OPRA, NJSA 47:1A-1).

Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's or group's race, religion, national origin, physical attributes or sexual preference may be transmitted.

Violations

Violations of any guidelines listed above will be presented to Human Resources Manager or Township Administrator. If necessary, the Township will advise appropriate legal officials of any illegal violations.



SYSTEMS, COMPUTER AND INTERNET POLICIES

Systems Privacy, Including E-mail, Voicemail, Computer and Internet Usage

Bernards Township respects the individual privacy of its volunteers and officials; however, e-mail, voicemail, Internet, Township-issued cellular devices and the computer network are for official business. All e-mail, voicemail and Internet message are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act (NJSA 47:1A-1).

E-mail messages created and transmitted on Bernards Township computers or using Bernards Township E-mail servers are the property of Bernards Township. Bernards Township reserves the right to monitor all e-mail transmitted via the Township's computer system. Volunteers and officials have no reasonable expectation of privacy when it comes to use of Bernards Township's e-mail system.

Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other individuals and accessed only by the intended recipient. Volunteers and officials 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 Information Technology Director or his/her designee. Volunteers and officials should not attempt to gain access to other Township personnel'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.

Bernards Township may monitor, inspect, copy, review, and store any files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored through the Bernards Township's communications system.

By using Township e-mail, computer systems, voicemail and the Internet, each user agrees that the Bernards Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, cell phones, voicemail and the Internet.

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

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

Except in emergency situations or as part of their officially assigned or regular or permitted duties, volunteers and officials 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.

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 guideline or directive concerning storage release and disposal. Volunteers and officials 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.

Volunteers and officials 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.

Personal Use of E-mail and Internet Access

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 time such as during lunch or breaks. Such personal use is permissible so long as the incremental cost is negligible, no Township business activity is preempted by the personal use, 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.

Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to volunteers and officials, and since Bernards Township can monitor volunteers' and officials' use of its computer network systems, they should not use any of the systems to transmit any messages they would not want to disclose to a third party.

Volunteers and officials 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 volunteers and officials' fitness for duty or constitutes a violation of the policies of the Township. Moreover, volunteers and officials should not use these systems during the work day 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.

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

Volunteers and officials may not use the e-mail, voicemail, Internet computer network systems, or Township-issued cell phones or any other Township-issued electronic devices in any way that may be seen as 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.

Unauthorized Access

Volunteers and officials are prohibited from the unauthorized use of the password(s) of other township personnel to gain access to another individual's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that volunteers and officials may have access to.

Mobile Devices

Volunteers and officials whose devices with mobile 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.

The Township is authorized to monitor, filter and inspect Township information accessible via the device. The Information Technology Director has the authority to clear any device that has established a connection to the bernards.org mail server. Volunteers and officials with remote access to the server release the Township from 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.

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.

If a Township-issued phone is replaced, the original phone must be returned to the Information Technology Director.

Volunteers and officials must abide by the privacy, security and other relevant procedures and policies established herein for their mobile device access and usage.

Volunteers and officials with Township-issued mobile devices must have approval of the Information Technology Director to load any applications onto the devices.

At termination, Township personnel must identify all devices for which a volunteer or official has access to the bernards.org mail server. The Information Technology staff will remove such access. If necessary, this may include wiping the device clear of all applications.

Instant Messaging

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.

Any personal use of the Internet and or the Township's computer system may not interfere with the conduct of the Township's business or interfere with a volunteers and officials performance of their job duties.

Volunteers and officials who have Township issued mobile devices must follow the guidelines for communications as explained under Internet Code of Conduct, and Instant Messaging.

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 appointment or service.

Software

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 E-mail to the IT Department. Use of personal e-mail software (e.g., Gmail, Yahoo, etc.) can also bring computer viruses into the system.

Copyright Issues

Copyrighted materials belonging to entities may not be transmitted on the Internet. One copy of the copyrighted material may be downloaded for an individual'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. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

Work Product Ownership

The Township retains legal ownership of the work product of all volunteers and officials working on Township work products. 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 and individual is appointed by Bernards Township can be claimed, construed or presented as their property, even after their appointment or service with the Township is terminated or the relevant project completed. If a

volunteer or official 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.

Security

All messages created, sent or retrieved over the Internet are the property of Bernards Township. 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. Even when a message is erased, it is possible to retrieve and read that message. 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.

Policy Violations

Violations of the Township policy of the use of e-mail, voicemail, Internet, complete network systems and Township-issued cell phone or any other Township-issued electronic device will subject the individual to discipline, up to and including termination or appointment or service.

If necessary, the Township will advise appropriate legal officials of any illegal violations.



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 creates new responsibilities for those who engage in social networking. Volunteers and officials 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 volunteers and officials of the Township. Only those individuals 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, volunteers and officials 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 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. Volunteers and officials must never engage in communication which injures the reputation of the Township or its clients or which discloses confidential information. Also, remember that the volunteers' and officials' 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 individual based upon what they place online. The volunteer's and official's positions 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:

- Social networking or affinity web site such as, but not limited to, Facebook, Twitter, MySpace, LinkedIn, You-Tube, Instagram, etc.
- Websites, one's own or someone else's Web Log, and Blog Site(s) Journal or Diary, including Personal Websites or Blog(s)
- Wikis such as Wikipedia and any other site(s) where text can be edited or posted
- Social bookmarks such as Digg and Delicious
- 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 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 be subject to disciplinary action up to and including termination of appointment or service by the Township.

If volunteers or officials are unsure about information disclosed in any particular posting, they should contact the Township Administrator or Human Resources Manager.

Be respectful

Always be fair and courteous to 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 complaints or criticism are posted, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage 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

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 that are known to be false about 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 blog, website or other social networking site to a Township website without identifying one's self as a spokesperson of the Township.
3. Express only personal opinions. No individual should 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 created, be clear and open about the fact that they are speaking as a volunteer or official and make it clear that the views do not represent those of the Township, the governing body or employees of the Township. If publishing a blog or post online related to the work one does or subjects associated with the Township, make it clear that you 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 individual should neither claim nor imply they are speaking on behalf of Township behalf, unless they are authorized in writing by 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 appointment or service.
6. Respect all copyright, privacy, fair use and other intellectual property laws. For the Township's protection as well as your own, it is critical that all 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 work place. 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.
8. Ensure that any posts comply with the FTC "endorsement" guidelines.
9. If a member of the news media or blogger contacts a volunteer or official 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.

Volunteers and officials 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 their Supervisor or the individual in charge of their work for the Township. Do not use a Township email addresses to register on social networks, blogs or other online tools utilized for personal use.

Volunteers or officials 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 individual that opens the account or uses it, and will retain all such information and content regardless of separation of any service or appointment with the Township.

If a volunteer'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 a volunteer or official 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 individual should not respond without approval of the content and response.

The Township may request, in its sole and absolute discretion, that a volunteer or official 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 of appointment or service, 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.



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.

Township personnel 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 Township personnel found in violation will be subject to disciplinary action.

Township personnel 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.



EMPLOYEE DATING/PERSONAL RELATIONSHIP POLICY

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

To try to achieve a balance between volunteers and officials rights and workplace needs, 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.

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

If the volunteers and officials involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any volunteers and officials who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair

treatment or other interference with municipal operations.



DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") 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.

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

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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.

PERSONS COVERED BY THIS POLICY

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.

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A 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 Manager
(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.

The name and contact information of the designated HRO will be provided to all employees **via distribution of this handbook.**

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:

- A. 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.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. 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 our Employee Assistance Program (CONCERN – (800)242-7371) to assist with securing resources and confidential services.
- D. 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 under Section VIII of this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between employees, the HRO is also required to report the incident to their agency's EEO Officer, **Emily Kesselmeier 908-204-3064.**
- F. 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**
- G. Maintain the confidentiality of the employee and all parties involved, to the extent

practical and appropriate under the circumstances, pursuant to this policy. (See Section VI).

- H. 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 work place 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.

THE 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:

- A. Designate an HRO with responsibilities pursuant to Sections IV and V of this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. 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.
- D. 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.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer 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.

- F. 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.
- G. 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

Bernards Township's HRO, or designee will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

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

Bernards Township's 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.



ELECTRONIC RECORDING POLICY

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 organizational head conducting the meeting.

Any official or volunteer who violates this policy will be subject to discipline, up to and including termination of appointment or service.



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.

Any official or volunteer who violates this policy will be subject to discipline, up to and including termination of appointment or service.



DRIVER'S LICENSE POLICY

Any employee/volunteer whose work requires the operation of Bernards Township vehicles must hold a valid Driver's License.

All employees/volunteers who will be assigned work entailing the operation of a Bernards Township vehicle will be required to submit to an annual review of Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment/association with the Township.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Human Resources. Any employee/volunteer 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 license is obtained. Any employee/volunteer performing work that requires the operation of a Bernards Township vehicle must notify their immediate Supervisor/Township Administrator in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee/volunteer who fails to immediately report such revocation or suspension to their Supervisor/Township Administrator and continues to operate a Bernards Township vehicle shall be subject to discipline, up to and including termination of appointment or service.

Individuals working/volunteering for the Township are required to report all vehicular accidents and any serious moving violations including, but not limited to those listed below (whether incurred on the job or not) to their supervisor and Human Resources within forty-eight (48) hours of the accident or receipt of the violation notice. Failure to report accidents and/or moving violations will result in disciplinary action.

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January, 2004; updated; January 2020

- Driving while intoxicated
- Driving under the influence of drugs
- Negligent homicide arising out of the use of a motor vehicle
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without owner's authority (grand theft)
- Permitting an unlicensed person to drive
- Reckless driving
- Speed contest
- Hit and run driving

A finding of guilty by a court of competent jurisdiction of any of these offenses will result in the immediate suspension of driving privileges for the Township for a period of six (6) months. Driving privileges apply to the authorized use of Township vehicles owned, leased, or controlled by Bernards Township or an individual's use of a personal vehicle while conducting business on behalf of the Township.

Following a finding of guilty by a court of competent jurisdiction of any one of the offenses identified above, progressive discipline will be instituted beginning with a six month suspension of Township driving privileges/responsibilities. 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.

Individuals who are in driving positions on behalf of Bernards Township 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.

In addition, an employee/volunteer who has been arrested and/or charged with an offense of either driving while under the influence of drugs or alcohol or refusal to take a breathalyzer must notify the immediate Supervisor/Township Administrator immediately upon reporting to Township work. An employee/volunteer who fails to report such an instance is subject to disciplinary action, including demotion or termination.

Any information obtained by Bernards Township in accordance with this section shall be used by Bernards 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.).



USE OF TOWNSHIP VEHICLES AND MILEAGE REIMBURSEMENT

Officials and Volunteers are not covered by municipal auto insurance when using personal vehicles for Township business purposes. Thus, municipal vehicles are to be used for Township purposes whenever possible.

1. Unless a Officials/Volunteers receives permission from the Township Administrator, Bernards Township owned vehicles shall be used only on official business and all

passengers must be on Township business. Vehicles may be taken home only with the advance approval of the Township Administrator, except an Assistant Township Administrator or Human Resources Manager may also grant temporary approval to facilitate responses to after-hours emergency calls. When a Officials/Volunteers takes home a Bernard 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 take precedent. At no time shall children be in the Township vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

2. 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. Township vehicles shall be locked and windows closed whenever the vehicle is parked. All trash will be removed from the vehicle prior to the end of the work day. 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 Officials/Volunteers 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.
3. All drivers of Township vehicles shall have a valid, current motor vehicle operator's license. Only Township Officials/Volunteers, clients of Township agencies or individuals being transported within the responsibility of the Township shall ride in Township vehicles as passengers.
4. Any driver who has multiple moving violations may be denied use of Township vehicles.
5. Township accident reporting procedures as explained in the "Accidents & Emergencies on the Job – Workers' Compensation Benefits" section shall be followed in case of an accident
6. When a Township vehicle is not available, 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.
7. In that an Officials/Volunteers 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.
8. Officials/Volunteers must abide by relevant laws and policies, including use of cell phones while driving in Township vehicles. It is Bernard Township's policy that every operator of

Township equipment and all occupants of any vehicle must wear safety belts while on township business. This applies to all personally-owned, township-owned, leased, and rented vehicles.

9. There will be no vaping, smoking or chewing of any tobacco products or use of electronic cigarettes in Township vehicles.



RECEIPT FOR HANDBOOK

I acknowledge that the Bernards Township Handbook for Elected Officials, Appointed Officials and Volunteers is posted on <http://www.bernards.org/Community/Volunteering> or that I may request a copy of it. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Manager.

I understand that the purpose of this Handbook is to inform me about the Township's current policies and procedures, and that nothing in this Handbook constitutes a contract. I further understand that this Handbook is meant as a guideline only and does not create a binding contract with Bernards Township for any purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time with or without prior notice to me.

I understand that as an Elected Official, Appointed Official and/or Volunteer, I am representing the Township. I understand that I am bound by the policies and practices herein established and that my appointment or volunteer service may be terminated for failure to follow the policies and practices set forth herein.

Please sign and date this receipt and return it to the Municipal Clerk or appropriate representative of your appointing body.

Date: _____

Signature: _____

Print Name: _____

Position: _____

Board/Committee/Volunteer Organization: _____