



# Bernards Township

## HANDBOOK for VENDORS and OUTSIDE CONTRACTORS

Administration Office: One Collyer Lane, Basking Ridge, NJ 07920  
January 2, 2008

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### **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 or 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.**



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# Township of Bernards

One Collyer Lane, Basking Ridge, New Jersey 07920

908-766-2510

## 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, contractor, vendor, elected or appointed official you have certain rights and obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest.-

All Township employees, volunteers, contractors, vendors 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 Manager of Human Resources or the Township Administrator for further information.

Neither this Handbook nor any other Township document, confers any contractual right, either express 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 Township Purchasing Agent.

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Mayor John Carpenter  
January 2, 2008



## **GENERAL POLICY**

It is the policy of the Township to treat employees, volunteers, contractors, vendors 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 employees, volunteers, contractors, vendors 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 Manager of Human Resources 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 Manager of Human Resources or the Township Administrator. The Township believes strongly in an Open Door Policy and encourages individuals to talk with the Township Administrator or the Manager of Human Resources 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

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### **OPEN DOOR POLICY**

The Township encourages all volunteers, contractors, vendors, elected and appointed officials who feel they have been treated unfairly or contrary to the Township's policies to discuss their concerns with the Manager of Human Resources or Township Administrator. This includes concerns regarding illegal 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, 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 or any other classification protected by federal, state or local law or regulation.

All Township representatives, including volunteers, contractors, vendors, elected and appointed officials are encouraged to report any instance of alleged discrimination or illegal harassment. All inquiries and reports of discrimination should be directed to the Manager of Human Resources 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 employee, volunteer, contractor, vendor, elected or appointed official or member of the public.

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 illegal harassment (sexual or otherwise) or intimidation of any employee, volunteer, contractor, vendor or elected or appointed official, male or female. The Township does not accept, condone or tolerate actions of harassment on the basis of race, creed, color, religion, sex, sexual orientation, civil union status, gender identity or expression, national origin, age, marital or political status, veteran status, disability or handicap or any other classification protected by federal, state or local law.

Illegal harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, creed, color, religion, sex, sexual orientation, age, national origin, marital status, veteran status, 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, illegal harassment is insulting and demeaning to the recipient and will not be tolerated by the Township.

The Township will not tolerate harassing conduct that unreasonably interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

### **Applicability**

Township officials, appointees, managers, supervisors, employees, volunteers, outside contractors and vendors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. This policy does not apply to actions between Township Committee members as part of the political process.

### **Sexual Harassment**

One type of harassment is sexual harassment. The Township prohibits sexual harassment in any form. Such conduct shall result in appropriate action, including termination of all business relationships and volunteer status, where appropriate.

### **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 a business or volunteer relationship with the Township; 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 status with the Township; or
  - 
  - c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's status, or creating an intimidating hostile or offensive environment.

Individuals who believe that they have been subject to illegal harassment should report the incident directly to the Manager of Human Resources. The Manager of Human Resources will ask the employee 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 Complaint form is preferred but not required.

Any individual uncomfortable reporting an incident to the Township's Manager of Human Resources should feel free to go to any management representative that he or she feels most comfortable to relay the problem, i.e. Department Head, Township Administrator. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment.

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. If this is not practical, or if the individual does not feel comfortable with this avenue of redress, the complaint may be brought directly to the Manager of Human Resources or other Township representative as set forth above.

The Township encourages individuals who witness conduct which they believe violates the

Township's Policy Against Harassment to report the violation pursuant to this complaint procedure. All supervisory 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 all complaints of illegal harassment to determine the merits of the allegations. The Manager of Human Resources shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Manager of 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 complaining party and the accused. In all cases, the alleged harasser must be notified of the filing of a complaint.
2. All Township representatives 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 action may be taken against the individual who caused the complaint to be filed.

### **Privacy**

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any individual who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate action.

### **Retaliation Prohibited**

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

The work environment shall be closely monitored for any forms of retaliation once an allegation has been made.

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

Any individual with questions regarding the Township's Policy Against Harassment may contact the Township Manager of Human Resources at (908) 204-3013.





## **COMPLAINT POLICY**

To foster sound relations through communication and reconciliation of problems, the Township provides employees, volunteers, contractors, vendors and elected and appointed officials with an established procedure for expressing Township-related concerns. **If your 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 his/her immediate supervisor and/or the individual in charge of the individual's work for the Township.
2. If the situation is not satisfactorily settled verbally within forty-eight (48) hours from the time the complaint is discussed pursuant to Step 1, barring extenuating circumstances, the individual may meet with the Manager of Human Resources.
3. If the matter of complaint cannot be satisfactorily settled within forty-eight (48) hours of being brought to the attention of the Manager of Human Resources, the employee may, with prior notice to Manager of Human Resources, request in writing a meeting with the Administrator for final disposition.

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.



## **VIOLENCE IN THE WORKPLACE**

Bernards Township maintains the policy that any violent acts or threats of the same, made by any employee, volunteer, contractor, vendor 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 the Manager of Human Resources and his or her immediate supervisor 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 a supervisor or the Director of Human Resource. 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") and the New Jersey Law Against Discrimination. It is the Township's policy not to discriminate against any individual based on the individual's disability, perceived disability or handicap so long as the individual can perform the essential functions of his/her position with the Township with or without accommodation. Consistent with this policy of nondiscrimination, the Township will provide reasonable accommodations to individuals with a disability to allow them to perform their position. Accommodations will be made to individuals who have made the Township aware of his or her disability or handicap, provided that such accommodation is reasonable and does not constitute an undue hardship on the Township.



### **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 employees, volunteers, contractors, vendors 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 in the workplace 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**

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 Manager of Human Resources.

## 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.



## **CONFLICT OF INTEREST STATEMENT**

Employees, volunteers, contractors, vendors and elected and appointed officials must conduct business according to the highest ethical standards of public service.

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 employees and officials are required to annually file with the municipal Clerk a state mandated disclosure form. The municipal Clerk will notify employees and municipal officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee or 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 employees and 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 Township Administrator 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. Employees, volunteers, contractors, vendors 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 Manager of Human Resources. 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 or hire all employees, volunteers, contractors and vendors without regard to political considerations.

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



## **E-MAIL AND INTERNET CODE OF CONDUCT 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 are 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.

### **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.

### **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 your 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 Information Technology Director. 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.

### **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 your 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 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.

### **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 the department supervisor, human resources and/or Township Administrator. If necessary, the Township will advise appropriate legal officials of any illegal violations.



### **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 one will be permitted to smoke anywhere in Township buildings.

Smoking is permitted outside Township buildings at locations as not to allow the re-entry of smoke into building entrances. This policy shall be strictly enforced.



### **CELL PHONE POLICY**

This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones while driving. This policy also includes walkie/talkie systems such as the Nextel system.

**Personal Cellular Phones**

While performing work for Bernards Township you are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Township phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with productivity and be distracting to others. A reasonable standard the Township encourages is to limit personal calls during work time to no more than one per day as needed. You are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Township's policy. Flexibility will be provided in circumstances demanding immediate attention.

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

**Safety Issues for Cellular Phone Use**

Outside contractors or vendors whose responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with the use of a hands free device.

Outside contractors and vendors are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

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## SIGNATURE PAGE

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### **RECEIPT FOR HANDBOOK**

I acknowledge that I have received a copy of Bernards Township's Handbook for Outside Contractors and Vendors. 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 Department.

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 I am bound by the policies and practices herein established. My failure to follow these policies and procedures may be grounds for termination of my service with the Township.

Please sign and date this receipt and return it to the Township Purchasing Agent.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Position: \_\_\_\_\_

Company: \_\_\_\_\_