2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**54**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Certified Recycling Professional**
Purpose:	**Execution of Agreement with BCUA**
Dollar Amount:	**-$0-**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF EXECUTION OF AGREEMENT WITH THE BCUA FOR A CERTIFIED RECYCLING PROFESSIONAL TO PREPARE ANNUAL RECYCLING TONNAGE REPORT

WHEREAS, in accordance with the Recycling Enhancement Act (REA) P.L. 2008, Chapter 6, beginning 2012, each New Jersey municipality is required to submit an Annual Recycling Tonnage Report to the New Jersey Department of Environmental Protection signed by a Certified Recycling Professional (CRP) on or before April 30th of each year; and

WHEREAS failure to submit a tonnage report signed by a CRP will jeopardize a municipality's receipt of the annual recycling tonnage grant; and

WHEREAS, as part of the BCUA's Certified Recycling Professional Tonnage Grant Assistance Program, the BCUA will sign and submit the Annual Recycling Tonnage Report to the NJDEP at no cost to the municipality;

BE IT RESOLVED, the Governing Body of the Borough of Dumont authorizes the execution of the agreement with the BCUA;

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to the BCUA.

_____

Andrew LaBruno, Mayor

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**55**
Date:	**January 25, 2022**
Page:	**1 of 1**
Subject:	**Selzer School PTO Calendar Raffle**
Purpose:	**Approval of Application**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

SELZER SCHOOL PTO CALENDAR RAFFLE APPLICATION

WHEREAS, Selzer School PTO has submitted a calendar raffle application, to be held between 3/1/2022 – 5/31/2022, at Selzer School; RL#573; ID#109-5-37089;

BE IT RESOLVED, by the Governing Body of the Borough of Dumont, the Selzer PTO application shall be approved;

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to the Police Department and the member in charge of the raffle.

_____
Andrew LaBruno, Mayor

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**56**
Date:	**January 25, 2022**
Page:	**1 of 1**
Subject:	**Knights of Columbus Casino Raffle**
Purpose:	**Approval of Application**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

KNIGHTS OF COLUMBUS CASINO RAFFLE

WHEREAS, the Knights of Columbus #1345 St. Johns Council has applied for a Casino raffle to be held on 2-19-2022; RL#574; ID #109-6-7021;

BE IT RESOLVED, by the Governing Body of the Borough of Dumont that a Casino raffle license be issued to the Knights of Columbus;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be provided to the Police Department and the individual designated in the application as being in charge of the above event.

_____
Andrew LaBruno, Mayor

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**57**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Hillsdale Child Health Conference**
Purpose:	**Authorization**
Dollar Amount:	**$35.00 per child**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

CHILD HEALTH CONFERENCE TO BE PROVIDED BY HILLSDALE

WHEREAS, the Hillsdale Board of Health (herein referred to as the Provider) shall supply and oversee Child Health Conference (CHC) services in compliance with the New Jersey State Department of Health, New Jersey Vaccine for children (NJVFC) guidelines, as required by Title 8, Chapter 52, public health practice standards of performance for local Boards of Health in New Jersey; and

WHEREAS, the Child Health Conference shall provide a licensed physician to provide primary and booster immunizations to infants and children through age 18, and comprehensive preventative health care to infants and preschool children; and

WHEREAS, the CHC also provides information and guidance on physical, emotional, nutritional and cognitive; and

WHEREAS, CHC activities held at the Hillsdale Nurse's office at Hillsdale Borough Hall, 380 Hillsdale Avenue, Hillsdale, NJ.; and

WHEREAS, recipients of services shall be Dumont residents meeting economic NJVFC eligibility criteria of being uninsured or Medicaid-enrolled; and

WHEREAS, an annual $250.00 administrative fee shall be paid in January of each contract year; and

WHEREAS, a fee of $35.00 for each visit shall be paid by the Dumont Board of Health and fees shall be paid monthly based upon the invoice provided by the Provider; and

WHEREAS, the Dumont Board of Health may ask the Provider for updates on the usage of the CHC or may visit the CHC by appointment to observe the program; and

WHEREAS, this contract period will be from January 1, 2022 to December 31, 2022, unless the Provider or Contractor decides to terminate the contract by notification in writing within thirty days of the termination date; and

BE IT RESOLVED, the Governing Body of the Borough of Dumont and the Board of Health approve of this contract with Hillsdale and authorizes the execution of said contract.

BE IT FURTHER RESOLVED, this resolution shall be provided to the Dumont Board of Health and Hillsdale Board of Health, CFO, Finance.

Andrew LaBruno, Mayor

I hereby certify that funds shall be provided from Board of Health OE, Acc't #2-01-27-330-235

Issa Abbasi, CFO

Date: January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Offered by: _____
Seconded by: _____

Resolution No.	**58**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Bedford Road Enhancement Project**
Purpose:	**Approval to Submit Grant Application & Execute Contract**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

APPROVAL TO SUBMIT A GRANT APPLICATION & EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION LOCAL TRANSPORTATION PROJECT FUND FOR THE BEDFORD ROAD ENHANCEMENTS PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Dumont formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *LTPF-2022-Bedford Road Enhancements Project-00063* to the New Jersey Department of Transportation on behalf of the Borough of Dumont.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Borough of Dumont and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

Jeanine E. Siek, RMC Borough Clerk	Andrew LaBruno Mayor

Certified as a true copy of the Resolution adopted by the Mayor and Council of the Borough of Dumont on this 25th day of January 2022.

Jeanine E. Siek, RMC
Borough Clerk

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**59**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Police Department Captain Vincent Tamburro**
Purpose:	**Authorization of Terminal Leave Payment**
Dollar Amount:	**$152,722.89**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF TERMINAL LEAVE PAYMENT TO POLICE DEPARTMENT CAPTAIN VINCENT TAMBURRO

WHEREAS, Police Department Captain Vincent Tamburro has retired from the employ of the Borough of Dumont and filed an application for retirement with the Police and Firemen's Pension System ("PFRS") effective January 1, 2022; and

WHEREAS, at the time of his retirement, Captain Tamburro's employment was covered by the Collective Negotiations Agreement ("CNA") between the Borough of Dumont and the Patrolmen's Benevolent Association, Local 377 ("PBA"); and

WHEREAS, Captain Tamburro, in accordance with the CNA between the Borough and PBA, is due payment for following accrued time as of December 31, 2021; and

Captain Tamburro - Time Valuation Breakdown		
Personal Time	$	24,548.25
Terminal Leave	$	87,698.44
Comp Time Valuation	$	40,476.20
Total Compensation	$	152,722.89
Annual Installment	$	25,453.82

WHEREAS, Captain Tamburro has elected to have the total compensation paid over six (6) annual installments to be made no later than March 1 of each year, with the first installment due in 2022 and the last installment due in 2027; and

WHEREAS, if Captain Tamburro should pass away before all installments are paid, the remaining annual installment payments will be made to his estate each year; and

WHEREAS, the Mayor and Council of the Borough of Dumont thank Captain Tamburro for his 30 years of service to the Borough and extends him well wishes in retirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dumont that the Borough Finance Department is hereby authorized to make the installment payments to Captain Tamburro as set forth above and consistent with this Resolution.

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Captain Tamburro, Chief Joyce, Personnel, Finance, CFO and Borough Auditor.

_____
Andrew LaBruno, Mayor

I hereby certify that funds shall be provided by Police Salaries & Wages, Acct # 2-01-25-240-100.

_____
Issa Abbasi, CFO
January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**60**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Police Department Captain Michael Foti**
Purpose:	**Authorization of Terminal Leave Payment**
Dollar Amount:	**$119,550.49**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF TERMINAL LEAVE PAYMENT TO POLICE DEPARTMENT CAPTAIN MICHAEL FOTI

WHEREAS, Police Department Captain Michael Foti has retired from the employ of the Borough of Dumont and filed an application for retirement with the Police and Firemen's Pension System ("PFRS") effective January 1, 2022; and

WHEREAS, at the time of his retirement, Captain Foti's employment was covered by the Collective Negotiations Agreement ("CNA") between the Borough of Dumont and the Patrolmen's Benevolent Association, Local 377 ("PBA"); and

WHEREAS, Captain Foti, in accordance with the CNA between the Borough and PBA, is due payment for following accrued time as of December 31, 2021; and

Captain Foti - Time Valuation Breakdown		
Personal Time	$	17,854.03
Terminal Leave	$	87,698.44
Comp Time Valuation	$	13,998.02
Total Compensation	$	119,550.49
457 Deferred Comp	$	39,000.00
Annual Installment (5)	$	16,110.10

WHEREAS, Captain Foti has elected to make his first annual installment as a one-time maximum contribution of $39,000 into his deferred compensation plan, which will be paid no later than March 1, 2022, and the balance to be paid out to him in five (5) equal annual installments no later than March 1 of each year, with the next installment to be paid in 2023, and the last annual payment to him no later than March 1, 2027; and

WHEREAS, if Captain Foti should pass away before all installments are paid, the remaining annual installment payments will be made to his estate each year; and

WHEREAS, the Mayor and Council of the Borough of Dumont thank Captain Foti for his 26 years of service to the Borough and extends him well wishes in retirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dumont that the Borough Finance Department is hereby authorized to make the installment payments to Captain Foti as set forth above and consistent with this Resolution.

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Captain Foti, Chief Joyce, Personnel, Finance, CFO and Borough Auditor.

Andrew LaBruno, Mayor

I hereby certify that funds shall be provided by Police Salaries & Wages, Acct # 2-01-25-240-100.

Issa Abbasi, CFO
January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**61**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Police Department Lieutenant John Centrello**
Purpose:	**Authorization of Terminal Leave Payment**
Dollar Amount:	**$87,521.91**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF TERMINAL LEAVE PAYMENT TO POLICE DEPARTMENT LIEUTENANT JOHN CENTRELLO

WHEREAS, Police Department Lieutenant John Centrello has retired from the employ of the Borough of Dumont and filed an application for retirement with the Police and Firemen's Pension System ("PFRS") effective January 1, 2022; and

WHEREAS, at the time of his retirement, Lieutenant Centrello's employment was covered by the Collective Negotiations Agreement ("CNA") between the Borough of Dumont and the Patrolmen's Benevolent Association, Local 377 ("PBA"); and

WHEREAS, Lieutenant Centrello, in accordance with the CNA between the Borough and PBA, is due payment for following accrued time as of December 31, 2021; and

Lieutenant Centrello - Time Valuation Breakdown		
Personal Time	$	35,218.90
Terminal Leave	$	13,876.31
Comp Time Valuation	$	38,426.70
Total Compensation	$	87,521.91
457 Deferred Comp	$	39,000.00
Annual Installment (5)	$	9,704.38

WHEREAS, Lieutenant Centrello has elected to make his first annual installment as a one-time maximum contribution of $39,000 into his deferred compensation plan, which will be paid no later than March 1, 2022, and the balance to be paid out to him in five (5) equal annual installments no later than March 1 of each year, with the next installment to be paid in 2023, and the last annual payment to him no later than March 1, 2027; and

WHEREAS, if Lieutenant Centrello should pass away, the remaining annual installment payments will be made to his estate each year; and

WHEREAS, the Mayor and Council of the Borough of Dumont thank Lieutenant Centrello for his 26+ years of service to the Borough and extends him well wishes in retirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dumont that the Borough Finance Department is hereby authorized to make the installment payments to Lieutenant Centrello as set forth above and consistent with this Resolution.

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Lieutenant Centrello, Chief Joyce, Personnel, Finance, CFO and Borough Auditor.

_____
Andrew LaBruno, Mayor

I hereby certify that funds shall be provided by Police Salaries & Wages, Acct # 2-01-25-240-100.

_____
Issa Abbasi, CFO
January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**62**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Police Department Lieutenant John DiGirolamo**
Purpose:	**Authorization of Terminal Leave Payment**
Dollar Amount:	**$155,525.49**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF TERMINAL LEAVE PAYMENT TO POLICE DEPARTMENT LIEUTENANT JOHN DIGIROLAMO

WHEREAS, Police Department Lieutenant John DiGirolamo has retired from the employ of the Borough of Dumont and filed an application for retirement with the Police and Firemen's Pension System ("PFRS") effective January 1, 2022; and

WHEREAS, at the time of his retirement, Lieutenant DiGirolamo's employment was covered by the Collective Negotiations Agreement ("CNA") between the Borough of Dumont and the Patrolmen's Benevolent Association, Local 377 ("PBA"); and

WHEREAS, Lieutenant DiGirolamo, in accordance with the CNA between the Borough and PBA, is due payment for following accrued time as of December 31, 2021; and

Lieutenant DiGirolamo - Time Valuation Breakdown		
Personal Time	$	33,840.93
Terminal Leave	$	83,257.86
Comp Time Valuation	$	38,426.70
Total Compensation	$	155,525.49
457 Deferred Comp	$	39,000.00
Annual Installment (5)	$	23,305.10

WHEREAS, Lieutenant DiGirolamo has elected to make his first annual installment as a one-time maximum contribution of $39,000 into his deferred compensation plan, which will be paid no later than March 1, 2022, and the balance to be paid out to him in five (5) equal annual installments no later than March 1 of each year, with the next installment to be paid in 2023, and the last annual payment to him no later than March 1, 2027; and

WHEREAS, if Lieutenant DiGirolamo should pass away before all installments are paid, the remaining annual installment payments will be made to his estate each year; and

WHEREAS, the Mayor and Council of the Borough of Dumont thank Lieutenant DiGirolamo for his 26 years of service to the Borough and extends him well wishes in retirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dumont that the Borough Finance Department is hereby authorized to make the installment payments to Lieutenant DiGirolamo as set forth above and consistent with this Resolution.

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Lieutenant DiGirolamo, Chief Joyce, Personnel, Finance, CFO and Borough Auditor.

Andrew LaBruno, Mayor

I hereby certify that funds shall be provided by Police Salaries & Wages, Acct # 2-01-25-240-100.

Issa Abbasi, CFO
January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No.	**63**
Date:	**January 25, 2022**
Page:	**1 of 2**
Subject:	**Police Department Sergeant James Kaine**
Purpose:	**Authorization of Terminal Leave Payment**
Dollar Amount:	**$126,140.41**
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZATION OF TERMINAL LEAVE PAYMENT TO POLICE DEPARTMENT SERGEANT JAMES KAINE

WHEREAS, Police Department Sergeant James Kaine has retired from the employ of the Borough of Dumont and filed an application for retirement with the Police and Firemen's Pension System ("PFRS") effective January 1, 2022; and

WHEREAS, at the time of his retirement, Sergeant Kaine's employment was covered by the Collective Negotiations Agreement ("CNA") between the Borough of Dumont and the Patrolmen's Benevolent Association, Local 377 ("PBA"); and

WHEREAS, Sergeant Kaine, in accordance with the CNA between the Borough and PBA, is due payment for following accrued time as of December 31, 2021; and

Sergeant Kaine - Time Valuation Breakdown		
Personal Time	$	28,610.60
Terminal Leave	$	78,827.28
Comp Time Valuation	$	18,702.53
Total Compensation	$	126,140.41
457 Deferred Comp	$	39,000.00
Annual Installment (5)	$	17,428.08

WHEREAS, Sergeant Kaine has elected to make his first annual installment as a one-time maximum contribution of $39,000 into his deferred compensation plan, which will be paid no later than March 1, 2022, and the balance to be paid out to him in five (5) equal annual installments no later than March 1 of each year, with the next installment to be paid in 2023, and the last annual payment to him no later than March 1, 2027; and

WHEREAS, if Sergeant Kaine should pass away before all installments are paid, the remaining annual installment payments will be made to his estate each year; and

WHEREAS, the Mayor and Council of the Borough of Dumont thank Sergeant Kaine for his 26 years of service to the Borough and extends him well wishes in retirement.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Dumont that the Borough Finance Department is hereby authorized to make the installment payments to Sergeant Kaine as set forth above and consistent with this Resolution.

BE IT FURTHER RESOLVED, copies of this resolution shall be provided to Sergeant Kaine, Chief Joyce, Personnel, Finance, CFO and Borough Auditor.

Andrew LaBruno, Mayor

I hereby certify that funds shall be provided by Police Salaries & Wages, Acct # 2-01-25-240-100.

Issa Abbasi, CFO
January 25, 2022

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Resolution No. 64

Date: January 25, 2022

Page: 1 of 2

Subject: 2021 Budget Transfers

Purpose: Authorization

Dollar Amount:

Prepared By: Issa Abbasi, CFO

Offered by: _____
Seconded by: _____

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AUTHORIZE 2021 BUDGET ACCOUNT TRANSFERS

WHEREAS, the Chief Financial Officer has reported to the Borough Council of the Borough of Dumont that unforeseen demands have arisen requiring greater expenditures in certain 2021 appropriation budget accounts;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Dumont that the following transfers of 2021 budget accounts be approved.

Transfer To		
Account Number	**Amount Needed**	**Budget**
1-01-31-430-000	$15,000.00	Electricity/Natural Gas
Total	$15,000.00	
Transfer From		
Account Number	**Amount Needed**	**Budget**
1-01-25-240-101	$15,000.00	Police – Salaries and Wages (Regular)
Total	$15,000.00	

Andrew LaBruno, Mayor

2022
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Offered by: _____
Seconded by: _____

Resolution No.	**65**
Date:	**January 25, 2022**
Page:	**1 of 2 (Policy Attached)**
Subject:	**Personnel Policies & Procedures Manual – January 2022**
Purpose:	**Approval of Adoption of Revised Policy**
Dollar Amount:	
Prepared By:	**Boris Shapiro**

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ADOPTION OF REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL DATED JANUARY 2022

WHEREAS, the Policies and Procedures Manual ("Manual") serves as a governing document for personnel matters involving employees, volunteers, appointed officials, and independent contractors of the Borough of Dumont; and

WHEREAS, the Manual has been reviewed by the Borough's Labor Counsel in accordance with requirements of the Employment Practices Liability Program of the New Jersey Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, Borough Administration and the Borough's Labor Counsel have recommended certain revisions to the Manual to remain compliant with law and/or to adhere to best employment practices; and

WHEREAS, the revised Manual has been reviewed and approved by the Mayor and Borough Council.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby adopt the revised Manual dated January 2022; and

BE IT FURTHER RESOLVED that the policies and procedures set forth in the January 2022 Manual shall be effective immediately upon adoption of this Resolution and shall replace all policies and procedures set forth in any preceding Manual; and

BE IT FURTHER RESOLVED that copies of the revised Manual will be distributed and made available to all current and future Borough employees, volunteers, appointed officials, and independent contractors.

_____
Andrew LaBruno
Mayor

I, Jeanine E. Siek, Municipal Clerk of the Borough of Dumont, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on January 25, 2022.

_____
Jeanine E. Siek, RMC
Municipal Clerk

BOROUGH OF DUMONT

PERSONNEL POLICIES AND PROCEDURES MANUAL

Revised

January 2022

The Borough of Dumont is an Equal Opportunity Employer M/F/D/V/SO

CONTENTS

General Personnel Policy 1
Equal Opportunity Employment Statement 2

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GENERAL PERSONNEL POLICY:

Pursuant to § 69-3 of the Code of the Borough of Dumont ("Borough Code"), this Personnel Policies and Procedures Manual ("Manual") has been adopted via resolution by the Mayor and Council of the Borough of Dumont ("Borough" or "Employer"), and is intended to supplement the Personnel Policies set forth in Chapter 69 of the Borough Code. To the extent anything in this Manual is deemed materially inconsistent with the Personnel Policies set forth in Chapter 69, or any other provision of the Borough Code, the Borough Code shall govern.

The Borough is committed to the highest professional standards. This means that we conduct our business ethically and in strict accordance with the law. This Manual is designed to lay a common foundation and guideline for all Borough employees so that each of us can be proud of what we do on the job and who we are. Each employee, as well as all other agents acting on behalf of the Borough, will be held accountable for conducting himself or herself in accordance with this Manual.

It is the policy of the Borough to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough shall apply to all employees, volunteers, elected or appointed officials and independent contractors – however it does not create an employer/employee relationship with respect to elected or appointed officials or bona fide independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract, or Federal or State law (including the Attorney General's guidelines with respect to Police Department personnel matters), the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

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

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor and Council of the Borough have appointed the Administrator to implement personnel practices. The Administrator shall also have access to the Labor Counsel appointed by the Mayor and Council of the Borough of Dumont for guidance in personnel matters.

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

The Manual adopted by the Borough is intended to provide guidelines covering public service by Borough employees and is not a contract. This manual contains many, but not necessarily all

of the rules, regulations, and conditions of employment for Borough personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough. A copy of this Manual and any updates thereto shall be on file with the Borough Clerk's office and shall be made readily available for any party requesting access.

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

EQUAL OPPORTUNITY EMPLOYMENT STATEMENT:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws. Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law. Accordingly, decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, the Borough Administrator or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

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

SECTION ONE
Policies Relating to Employee Rights and Obligations

Equal Opportunity and Anti-Discrimination Policy:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, and the New Jersey Law Against Discrimination ("LAD"). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, pregnancy (including pregnancy related medical condition), affection or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Borough Administrator, or the Labor Counsel.

Any employee who is a witness to or believes that he or she has been a victim of discrimination or other violation of this policy should immediately report their concern in accordance with the complaint procedure set forth in the Policy Against Harassment set forth in this Manual. All complaints and reports of discrimination will be promptly and thoroughly investigated and, as appropriate, corrective action will be taken. Retaliation for making such report and/or participating in any investigation of alleged violations of this policy is also expressly prohibited.

The Borough recognizes the importance of ensuring its policies prohibiting sexual and other types of harassment, discrimination, and retaliation, and procedures for reporting and investigating such concerns are actually working as intended to prevent sexual and other types of harassment, discrimination, and retaliation from occurring in the workplace. All supervisors shall report any concerns about, reports of, and/or observed sexual or other types of harassment, discrimination, and/or retaliation immediately to the Borough Administrator and shall at all times ensure that their subordinates understand the importance of these policies and the Borough's commitment to them through their example and leadership.

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

Reasonable Accommodations: Americans with Disabilities Act/New Jersey Law Against Discrimination Policy:

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

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

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

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

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

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Employer, or that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

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

The Employer may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Employer will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Employer's business operation.

To further the Employer's nondiscrimination policy, the Employer will:

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

Reasonable accommodations that the Employer may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:

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

The Employer is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any applicant or employee has questions concerning the Employer's equal employment opportunity policy, he or she should contact the Employer.

Contagious or Life-Threatening Illnesses Policy:

The Employer is committed to providing and maintaining a healthy and safe work environment which allows all employees to perform their jobs in a safe and productive manner. The Employer respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The Employer provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate

the Employer's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life-threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public. Employees with such conditions, who are able to meet appropriate standards and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

Consistent with the concern for employees with life-threatening illness, the Employer offers the following resources through the human resources official:

1) Employee education and information on terminal illnesses and specific life-threatening illnesses.
2) Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
3) Consultation in assisting employees in efficiently managing health, leave and other benefits. The Employer encourages employees who need these resources to contact the human resources official.

Safety Policy:

The Employer endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act ("PEOSHA"). The Employer is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Employer's facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Borough Administrator. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

Drug and Alcohol Testing Policy for Non-CDL/Non-DOT Employees

Mission and Purpose

The Borough is committed to maintaining a safe and productive working environment. Employees have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol and the Borough has a right to have a workforce that is focused and committed to their positions, without being under influence of drugs or alcohol. This is considered a Health & Safety Policy of the Borough. The Borough's Designated Employer Representative ("DER") is Anthony Schiraldi. The Alternative DER is Christopher Tully. Their contact information appears at the end of this policy.

One of the Borough's prime goals in its role as an employer, is in protecting the safety, health and welfare of its employees and others with whom they interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the Borough has no intention of intruding into the private lives of its employees, the Borough does expect employees to report to work unimpaired and able to perform the duties of their job safely and effectively.

In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone's substance abuse. Ultimately an employee with an alcohol or drug problem may lose their job and/or suffer devastating effects on their health. The Borough has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty to themselves, their co-workers and the public.

All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work for the Borough. Managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

To the extent this Policy supplements, and does not conflict with current Collective Negotiations Agreements ("CNA"), it is applicable. However, to the extent this policy may conflict with a CNA, the CNA shall prevail. This policy does not tolerate the abuse of drugs or alcohol in the workplace and encourages any employee who may be suffering from a substance abuse problem to seek assistance. If an employee needs help, the Borough has resources through its Employee Assistance Program ("EAP") and Substance Abuse Professional ("SAP") for a confidential evaluation and referral for substance abuse treatment, if necessary.

Compliance with this policy is a condition of hire and continued employment. The Borough has developed its drug-free workplace policy in compliance with New Jersey Laws, and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities. Applicant testing will begin immediately and sixty (60) days after the effective date of this

policy, all employees are subject to testing as outlined below. The existing drug and alcohol testing program will remain in place until the effective date of this program.

Confidentiality

All testing information is considered confidential information by the Borough and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the Borough with a job related need to know - the DER or Alternate DER; to defend against any administrative action brought by the employee against the Borough; in grievance or arbitration proceeding under the terms of a CNA; in a court of law under subpoena; as released by the employee in writing, the Medical Review Office(r) ("MRO"); Borough insurers; rehabilitation programs; and, otherwise, as required by law.

SECTION 1

Definitions

The term "alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl and isopropyl alcohol.

The terminology "alcohol use" means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol.

The terminology "designated employer representative" (DER) is an individual identified by the Borough as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Borough.

The terms "drugs" or "controlled substances" mean any of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); and (5) Opioids.

The terminology "drug testing" and/or "alcohol testing" shall mean drug and alcohol testing that is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New Jersey Department of Health ("NJDOH"), or The Clinical Laboratory Improvement Amendments of 1988 ("CLIA").

The term "employee" includes any employee or volunteer of the Borough as specified in Section 2 below.

The terminology "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances, except for marijuana, banned by Federal or applicable State laws.

The terminology "legal marijuana use" refers to both the use of marijuana/cannabis pursuant to a valid medical prescription as well as recreationally without a valid prescription. Marijuana use is legal pursuant to New Jersey State Law, but illegal pursuant to Federal Law, where it is classified as a schedule I substance. The Borough will not discriminate against an employee's status as a registered medical marijuana patient or a recreational marijuana user. Therefore, a verified positive test for marijuana metabolites, absent reasonable suspicion of workplace impairment/intoxication/use, will not subject the employee to discipline under this Policy. However, all other aspects of New Jersey State law shall apply regarding prohibited activities of employees with or without a valid medical marijuana card, including the prohibition against being impaired by, or under the influence of, marijuana while performing work for the Borough.

SECTION 2

Employees Subject to Testing

- All employees of the Borough (including Department of Recreation, Library and Senior Center); all members of the Volunteer Fire Department and Volunteer Ambulance Corps, including dispatchers; and, all employees of the Police Department who are not covered by the Law Enforcement Drug Testing Policy are covered by this policy

- Volunteers of any department of the Borough who interact with children on a regular basis.

- All U.S. Department of Transportation ("DOT") regulated employees (Department of Public Works ("DPW") employees who hold CDL) are subject to testing under the Borough's CDL Drug and Alcohol Policy – not this policy.

- Any DPW employee who does not hold a CDL and is therefore, not regulated by the DOT is covered by this policy.

- Law Enforcement Officers are covered by the Law Enforcement Drug Testing Policy enacted by the Dumont Police Department – not this policy.

- Elected officials, who are not otherwise classified as employees, are not subject to testing under this Policy.

SECTION 3

Safety Sensitive Designation

The terminology "Safety Sensitive" shall apply to members of the Volunteer Fire Department and Volunteer Ambulance Corps, including dispatchers who are covered by this policy; volunteers of any department of the Borough who interact with children on a regular basis; any

DPW employee who does not hold a CDL; and, all employees of the Police Department who are not covered by the Law Enforcement Drug Testing Policy enacted by the Dumont Police Department.

SECTION 4

Testing Methodology

- Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New Jersey Department of Health ("NJDOH"), or The Clinical Laboratory Improvement Amendments of 1988 ("CLIA").

- Specimens subject to testing include urine, breath, hair, oral fluids, or blood.

- Specimen collections, chain of custody and drug and alcohol tests will be in substantial compliance with the NJDOH procedures applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two highly sophisticated scientific tests including adulterant detection, and are reported to an independent certified MRO prior to being released to the Borough.

- Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender.

- The MRO may recommend the collection of an alternate specimen (e.g., oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified laboratory and that the test results were valid.

- The Borough provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program whose physical condition prevents them from producing a urine specimen suitable for testing. An employee may contact the DER if they wish to make an accommodation request. In accordance with Borough policy, a test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting. A second negative dilute urine test will render an applicant ineligible for hire and, for current employees, where a negative test is required, not currently fit for duty.

- All positive initial tests are confirmed by GC/MS at established DOT cut off levels. An Alcohol content of 0.04 or higher using a DOT approved alcohol screening device, or breath alcohol device, is classified as a positive test.

- The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opioids, designer drugs, or a metabolite of any of the above substances and mind altering synthetic narcotics or designer drugs, or impairing effect medications or substances.

SECTION 5

Positive Results

a. The MRO will contact the employee confidentially to give them an opportunity to discuss their results before reporting them to the Borough as a verified positive. An employee may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation.

b. During this 72 hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the Borough for the cost of the test and any lost time.

c. Under federal regulations, the MRO has the discretionary authority to notify the Borough that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Borough if the employee is taking an impairing effect medication.

d. A positive drug or alcohol test is classified as willful misconduct and a violation of the Borough's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits N.J.S.A. 34:15-7 if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits.

e. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn. However, the Borough shall not take adverse employment action in violation of N.J.A.C. 42:6I-6.1(9), but shall retain its rights under section N.J.A.C. 42:6I-6.1(9)(c).

SECTION 6

Impairment Causing Failure to Adhere to Safety Practices

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use Borough provided or required safety equipment, failure to follow safety guidelines, or

removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of Borough Policy.

SECTION 7

Disclosure of Potentially Impairing Medications or Substances

Any employee working in a safety-sensitive position as defined in Section 3, is required, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This includes medical and recreational Marijuana, the use of which the Borough, for safety reasons, will not be able to accommodate employees working in safety sensitive positions. However, employees who are qualifying medical marijuana cardholders may request a reasonable accommodation by contacting the DER and such request will be considered.

If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Borough reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor to render an opinion on the safety related risks. The employee need not disclose to the Borough the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Borough, will make the final determination on the safety related risks of any particular medication or substance.

SECTION 8

Positive Test for Adulterants

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if an employee attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. N.J.S.A. 2C:36-10. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

SECTION 9

Refusal of Testing

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

SECTION 10

Employee Substance Abuse Dependency

The Borough will provide support for employees who need support and help with alcohol or drugs dependency via confidential EAP, SAP or Medical/Occupational Health support services. Employees who proactively seek treatment will be treated sympathetically and in a confidential manner in accordance with the Americans with Disabilities Act and under any corollary laws of the State of New Jersey.

The fact that an employee is seeking or undergoing treatment will not, however, be a defense to a charge of willful misconduct if the employee reports for work under the influence of alcohol or drugs. This Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through the EAP/SAP program prior to the commencement of any of the forms of testing identified herein.

For confidential help with a substance abuse problem, employees should contact the DER or the EAP/SAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP, and may also be available under the health and welfare benefit program for employees, *only to the extent of the current benefits package*. The Borough will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national Substance Abuse Resources is a part of this Policy.

SECTION 11

Types of Testing Performed

- Pre-employment: Pre-employment drug testing will be performed on all final applicants for the following positions: Emergency Medical Technicians (including dispatchers); Members of the Borough Fire Department (including dispatchers); Recreation Department Employees who interact with children on a regular basis (including volunteers); any member of the Department of Public Works who is not the holder of a CDL; and, all employees of the Police

Department who are not covered by the Law Enforcement Drug Testing Policy enacted by the Dumont Police Department.

- Routine Fitness-for-Duty: Routine Fitness for Duty drug testing may be performed for the following positions: Emergency Medical Technicians (including dispatchers); Members of the Borough Fire Department (including dispatchers); Recreation Department Employees who interact with children on a regular basis (including volunteers); any member of the Department of Public Works who is not the holder of a CDL; and, all employees of the Police Department who are not covered by the Law Enforcement Drug Testing Policy enacted by the Dumont Police Department.

- Reasonable Suspicion: **All employees** covered by this Policy will be required to submit to a drug and/or alcohol test if the Borough has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Any Department Head or supervisor who has reason to believe that an employee is under the influence of drugs or alcohol shall immediately report same to the Borough Administrator for further action. Under no circumstances shall a Department Head or supervisor send an employee home instead of contacting the Borough Administrator. Any such conduct shall be punishable pursuant to Borough disciplinary rules. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result is received, the employee will not suffer a loss of pay.

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

- Random: Random drug testing may be conducted for employees in the following positions: Emergency Medical Technicians (including dispatchers); Members of the Borough Fire Department (including dispatchers); Recreation Department Employees who interact with children on a regular basis (including volunteers); any member of the Department of Public Works who is not the holder of a CDL; and, all employees of the Police Department who are not covered by the Law Enforcement Drug Testing Policy enacted by the Dumont Police Department. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees.

SECTION 12

Policy Prohibitions

Employees, applicants, volunteers and contractors for the Borough as specified herein, are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, during work time, whether or not on Borough premises or property, and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:

    a. Testing positive in a confirmed drug test, or refusing to be tested.

    b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Borough premises or property, including Borough-owned or leased vehicles, or vehicles used for Borough purposes.

    c. Having possession of, being under the influence of, testing positive for, or otherwise having in one's system illegal drugs.

    d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Borough will refer such matters to the appropriate police authority.

    e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify Borough in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Illegal drug use, off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough and other factors related to the impact of the employee's conviction on the Borough.

    f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.

    g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Borough or its designee, is a violation of Borough Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

i. Failure to advise pre-duty, of the use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.

j. Failure of an employee to notify his or her supervisor before reporting to work if he or she is under the influence of drugs.

2. With respect to legal marijuana use, employees and applicants violate this Policy by engaging in the following conduct, during work time, whether or not on Borough premises or property, and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:

a. Refusing to be tested or testing positive in a confirmed reasonable suspicion or post-accident drug test, where there are observable signs and/or reasonable suspicion that impairment contributed to the accident.

b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) marijuana or paraphernalia on Borough premises or property, including Borough-owned or leased vehicles, or vehicles used for Borough purposes.

c. Being under the influence of marijuana in the workplace or while performing work for the Borough.

d. Using, possession, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing marijuana in the workplace.

e. A conviction or plea of guilty relative to any criminal marijuana possession or distribution offense occurring in the workplace. All employees must notify Borough in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough and other factors related to the impact of the employee's conviction on the Borough.

f. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

g. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Borough or its designee, is a violation of Borough Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

h. Failure of an employee to notify his or her supervisor before reporting to work if he or she is under the influence of marijuana.

3. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on Borough premises or property:

a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on Borough premises or property, including Borough owned or leased vehicles, or vehicles used for Borough purposes.

b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*

c. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All employees must notify the Borough in writing of any criminal alcohol conviction not later than five (5) calendar days after such conviction. Alcohol use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the Borough's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Borough and other factors related to the impact of the employee's conviction on the Borough.

d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.

e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by the Borough or its designee, is a violation of Borough Policy and may result in disciplinary action, up to and including termination. A

refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

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

CDL Drug and Alcohol Policy for DOT Employees

SECTION A – GENERAL

This policy and 49 CFR Part 40 Regulations of the U. S. Department of Transportation Procedures For Transportation Workplace Drug And Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, are integral parts of this Policy and apply to all covered employees. They may be viewed at **http://www.dot.gov/odapc** Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping and all other procedural requirements shall adhere to 49 CFR Part 40.

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

The Borough's policy is modeled after a comprehensive CDL policy. To the extent that proposed language is not applicable to the Borough, those portions have been omitted.
Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug and alcohol testing as required by Federal law. Employees holding a CDL are reminded that marijuana remains a banned substance under Federal law and that a positive test for marijuana will result in discipline, up to and including termination.

PURPOSE *382.101*

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

APPLICABILITY *382.103*

(a) This policy applies to every person of the Borough who operates a commercial motor vehicle in commerce in any State, and is subject to:

(1) The commercial driver's license requirements of part 383; and,

(2) All Drivers Operating Commercial Motor Vehicles for the Borough.

(b) An employer who employs himself/herself as a driver must comply with both the requirements in this policy that apply to employers and the requirements in this policy that apply to drivers. An employer who employs only himself/herself as a driver shall implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool.

THE BOROUGH SERVICE AGENT CONTACT INFORMATION

DESIGNATED EMPLOYER REPRESENTATIVE (DER)
NAME: Anthony Schiraldi
TITLE: DPW Superintendent
ADDRESS: 1 Aladdin Avenue, Dumont, New Jersey 07628
PHONE: 201-387-5045
E-MAIL: aschiraldi@dumontboro.org
HOURS WHEN AVAILABLE: Monday-Friday, 8am-4pm

ALTERNATE DESIGNATED EMPLOYER REPRESENTATIVE (DER)
NAME: Christopher Tully
TITLE: Borough Administrator
ADDRESS: 80 West Madison Avenue, Dumont, New Jersey 07628
PHONE: 201-387-5060
E-MAIL: ctully@dumontboro.org
HOURS WHEN AVAILABLE: Mon-Fri, 9:00am-4:00pm; also by appointment

MEDICAL REVIEW OFFICER (MRO)
NAME: Valley Medical Group
ADDRESS: 15 Essex Road, Suite 506, Paramus, New Jersey 07652
PHONE: 201-291-6120
FAX: 201-291-6092

LABORATORY
NAME: Valley Medical Group
ADDRESS: See above.

SUBSTANCE ABUSE PROFESSIONAL (SAP)
NAME: Intervention Strategies, Inc.
ADDRESS: 351 Evelyn Street #303, Paramus, New Jersey 07652
PHONE: (201) 225-9010

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)
NAME: Summit Risk,
ADDRESS: 2 Walnut Grove Drive # 210, Horsham, Pennsylvania 19044
PHONE: (215) 443-3596

THE BOROUGH'S INDEPENDENT AUTHORITY

This CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY sets forth the requirements of 49 CFR Parts 382 and 40. Those areas of the policy that appear in italic print reflect the Borough's independent authority to require additional provisions with regard to drug and alcohol testing procedures. To the extent the Borough's state specific non-DOT the Borough Authority Policy supplements, and does not conflict with applicable DOT Regulations, and current agreements, it is to be followed. In the event that DOT Regulations are applicable to the driver's or applicant's particular situation or issue, the DOT Regulations pre-empt conflicting State Laws, the Borough's non-DOT Policies and all other agreements.

PERIOD OF WORKDAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE

Safety-Sensitive Functions as covered under 49 CFR Part 382: In accordance with 49 CFR 382 drivers who possess CDL licenses are subject to DOT regulated alcohol and drug testing at all

times from the time a driver begins to work or is required to be in readiness to work until the time he/she/they is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
(2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
(3) All time spent at the driving controls of a commercial motor vehicle in operation;
(4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
(5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver is required to be in compliance with this policy during that period of the workday when they are on-duty performing *safety-sensitive functions (See Definitions).*

DRIVER FITNESS FOR DUTY *391.11*

DOT regulations provide that the Borough as a DOT regulated employer makes the final determination of who is a qualified individual to drive a commercial motor vehicle. 49 CFR § 391.11(a). The Borough shall not permit a person to drive a commercial motor vehicle unless the person meets all DOT minimum qualifications and such other more stringent qualifications and requirements relating to safety of operation and employee safety and health as it may decide in its judgment and discretion. The Borough shall use the services of independent Certified Medical Examiners, Occupational Medicine Physicians, Medical Review Officers, as well as other medical and industry professionals to make its final fitness for duty determinations.

TESTING PROCEDURES *382.105*

The Borough shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in 49 CFR part 40. The provisions of 49 CFR part 40 that address alcohol or controlled substances testing are made applicable to the Borough by 382.105.

DEFINITIONS *382.107*

Words or phrases used in this policy are defined in Sections 386.2, 390.5 and 40.3 of Federal regulations, except as provided herein.

Actual knowledge for the purpose of Section B of this policy means actual knowledge by the Borough that a driver has used alcohol or controlled substances based on the Borough's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an

employee's admission of alcohol or controlled substance use, except as provided in 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under 382.307.

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

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol
CFR means Code of Federal Regulations.

Commerce means:

(1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and
(2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in (1) of this definition.

Commercial driver's license Drug and Alcohol Clearinghouse (Clearinghouse) means the FMCSA database that subpart G of 49 CFR Part 382.701-727 requires employers and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations. Effective January 6, 2020, the FMCSA will establish a mandatory database and the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

(1) A verified positive, adulterated, or substituted drug test result;
(2) An alcohol confirmation test with a concentration of 0.04 or higher;
(3) A refusal to submit to any test required by subpart C of this part;
(4) An employer's report of actual knowledge, as defined at § 382.107:
(5) On duty alcohol use pursuant to § 382.205;
(6) Pre-duty alcohol use pursuant to § 382.207;
(7) Alcohol use following an accident pursuant to § 382.209; and
(8) Controlled substance use pursuant to § 382.213;
(9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
(10) A negative return-to-duty test; and
(11) An employer's report of completion of follow-up testing.

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

(1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a

towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not "employers" for purposes of Federal regulations.

Controlled substances mean those substances identified in 40.85. As of January 1, 2018, the drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); and (5) Opioids.

Designated employer representative (DER) is an individual identified by the Borough as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the Borough. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

(1) *Inclusions.* Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

(2) *Exclusions:*

i. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.

ii. Tire disablement without other damage even if no spare tire is available.

iii. Headlight or taillight damage.

iv. Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, 653, and 654) in accordance with 49 CFR part 40.
Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed Commercial Motor Vehicle drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means an entity, including a municipal employer, employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this Federal regulation. The term, as used in this policy, refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this policy and any applicable DOT agency regulations. Service agents are not employers for the purpose of Federal regulations.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Negative return-to-duty test means a return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02, as described in § 40.305.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he/she/they is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive alcohol test means an alcohol test with an alcohol concentration of greater than or equal to 0.04.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part.

Refuse to submit (to an alcohol or controlled substances test) means that you as a driver:

(a)(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by C/TPA (see §40.61(a));

(2) Fail to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;

(3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
(4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
(6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, Sec.40.197 (b));
(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
(9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
(11) Admit to the collector or MRO that you adulterated or substituted the specimen.
(12) For a breath alcohol test, refusing to sign the certification at Step 2 of the ATF 40.261 (a) (3).

(b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

(c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. 40.191

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she/they is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

(1) All time at an employer facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

(2) All time inspecting servicing, or conditioning any commercial motor vehicle at any time;

(3) All time spent at the driving controls of a commercial motor vehicle in operation;

(4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, using a vehicle for road clearing, snow removal, trash and recycling removal, remaining in readiness to operate the vehicle, and

(5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test) means:

(1) In drug testing, a test to eliminate "negative" urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.

(2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Service agent means any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

PREEMPTION OF STATE AND LOCAL LAWS *382.109*

(a) Except as provided in paragraph (b) of this section, the Federal regulation requiring this alcohol and controlled substances testing preempts any State or local law, rule, regulation, order to the extent that:

(1) Compliance with both the State or local requirement and the Federal regulation is not possible; or

(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of this Federal regulation.

(b) This policy, and the Federal regulation requiring it, shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to

actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, the Borough, or the general public.

OTHER REQUIREMENTS IMPOSED BY THE BOROUGH *382.111*

Except as expressly provided in this policy, nothing in the Federal regulation 382 and 49 CFR part 40 shall be construed to affect the authority of the Borough, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation. Accordingly, the Borough has adopted, under its own authority, a Non-DOT drug and alcohol testing program.

REQUIREMENT FOR NOTICE *382.113*

Before performing an alcohol or controlled substances test under the Federal regulation, the Borough shall notify a driver that the alcohol or controlled substances test is required by Federal regulation. The Borough shall not falsely represent that a test is administered under Federal regulation.

STARTING DATE FOR TESTING PROGRAMS *382.115*

All domestic-domiciled employers must implement the requirements of this policy the date the employer begins commercial motor vehicle operations.

PUBLIC INTEREST EXCLUSION *382.117*

The Borough shall not use the services of a service agent who is subject to a public interest exclusion (PIE) in accordance with 49 CFR part 40, Subpart R.

EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCE USE *382.121*

(a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy and 49 CFR part 40, provided that:

(1) The admission is in accordance with the Borough's written voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;

(2) The driver does not self-identify in order to avoid testing under the requirements of this part;

(3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and

(4) The driver does not perform a safety sensitive function until the Borough is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

(1) It prohibits the Borough from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;

(2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;

(3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;

(4) It must ensure that:

(i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or

(ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and

(5) It may incorporate employee monitoring and include non-DOT follow-up testing.

DRIVER IDENTIFICATION *382.123*

(a) For each alcohol test performed, the Borough shall provide the driver's commercial driver's license number and State of issuance in Step 1, Section B of the Alcohol Testing Form (ATF).

(b) For each controlled substance test performed under this part, the Borough shall provide the following information, which must be recorded as follows:

(i) The driver's commercial driver's license number and State of issuance in Step 1, section C of the Federal Drug Testing Custody and Control Form (CCF).

(ii) The employer's name and other identifying information required in Step 1, section A of the ATF.

EMPLOYEE ASSISTANCE PROGRAM

The Borough's employee assistance program (EAP) is a confidential program designed to assist in the identification and resolution of problems associated with employees impaired by alcohol or drugs, or other personal concerns that may adversely affect employee job performance.

SECTION B - PROHIBITIONS

ALCOHOL CONCENTRATION *382.201*

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the Borough has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, the driver will not be permitted to perform or continue to perform safety-sensitive functions.

ON-DUTY USE *382.205*

No driver shall use alcohol while performing safety-sensitive functions. If the Borough has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, that driver shall not be permitted to perform or continue to perform safety-sensitive functions.

PRE-DUTY USE *382.207*

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If the Borough has actual knowledge of a driver who has used alcohol within four (4) hours, that driver will not be permitted to perform or continue to perform safety-sensitive functions.

USE FOLLOWING AN ACCIDENT *382.209*
No driver required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident or until he/she/they undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST *382.211*
No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382,311. The Borough shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

DISCLOSURE OF OFF-DUTY DUI AND DRUG OFFENSE ARREST AN/OR CONVICTION 382.111
Safety Rule requiring mandatory reporting by Drivers of off – duty DUI and Drug Offense Arrest and/or Conviction. In accordance with the authority granted to the Borough by the DOT in 49 CFR 382.111 to imposed other requirements to prevent alcohol misuse by Drivers, it is mandatory that Drivers disclose to their supervisor by the end of the business day arrest and/or convictions for all alcohol and/or drug related offenses committed while operating any motor vehicle. This will allow the Borough to immediately remove from safety sensitive functions, Drivers who have engaged in off – duty unsafe behavior related to alcohol or drug misuse (which is directly related to their safety sensitive functions performed for the Borough) to make determinations as follows: 1) if the Driver is fit for duty; 2) if the Driver is still qualified under DOT regulations to operate a CMV for the Borough ; 3) if the Driver is still insurable at standard rates under the Borough fleet policy; and 4) if the Driver can still meet the essential job functions for the position of Driver. It is an Essential Job Function of every DOT regulated Driver that they be qualified and licensed to operate a CMV without the use of a judicially ordered interlocking device, or similar device as part of a diversion or conviction for an alcohol related offence.

PRE-DUTY DISCLOSURE OF ANY IMPAIRING EFFECT MEDICATION OR SUBSTANCES *382.213*
(a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
(b) The Borough, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform a safety-sensitive function.
(c) The Borough may require a driver to inform the Borough of any therapeutic drug use.
All drivers of the Borough are required, as a safety rule and under DOT regulations, to pre-duty disclosure that they are taking ANY impairing affect therapeutic drug, prescription medication (including medical marijuana), over-the-counter medication, mind altering synthetic or designer drugs or substances which may have an effect on their ability to safely operate a commercial

motor vehicle or the performance of safety-sensitive duties. It is an essential function of every driver's position at the Borough to be able to work in a constant state of alertness and in a safe manner. If the fact that the driver is taking an impairing effect drug, medication or substance is not disclosed pre-duty by a driver, and the driver tests positive or is determined by the MRO to be a potential safety risk due to a drug, medication or substance, that driver will be subject to discipline, up to and including termination for violation of this safety rule. If disclosure is made, the Borough, in accordance with its authority under 49 CFR Part 391.11(a), reserves the right to send the driver for a Fitness-for-Duty evaluation to evaluate the medication and its possible adverse effects on the driver's ability to safely operate a commercial motor vehicle or the performance of other safety-sensitive duties. In determining whether the employee has a legally valid prescription so as to constitute a legitimate medical explanation, consistent with the Controlled Substances Act (CSA), the MRO will use the CSA standard when conducting his medical review (49 CFR Part 40.137).

In advance of the operation of a commercial motor vehicle, or the performance of other safety-sensitive duties, or testing, drivers are strongly encouraged (and mandated by DOT Regulations) to have their own doctor make an individualized assessment of any safety related risks of the drug, medication or substance which they are taking, providing the doctor a copy of their job description or specific duties, and having the doctor render an opinion on the safety related risks. The driver need not disclose to their supervisor the drug, medication or substance, or the medical condition involved, to fulfill this pre-duty disclosure obligation of this safety policy, but may do so confidentially to the DER. All information provided will be kept separate from personnel files and in a confidential manner by the DER. The MRO will make the final determination on the driver's ability to safely operate a commercial motor vehicle or the safety related risks of any particular drug, medication or substance, although the Borough shall make the final determination on whether the driver is qualified to drive/operate a commercial motor vehicle.

CONTROLLED SUBSTANCES TESTING *382.215*

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The Borough, having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions. In accordance with 49 CFR Part 40.171, when the MRO has notified the driver that he or she has a verified positive drug test and/or refusal to test because of adulteration or substitution, the driver has 72 hours from the time of notification to request a test of the split specimen.

EMPLOYER RESPONSIBILITIES *382.217*

No employer may allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which an employer determines that a driver is not in compliance with the return-to-duty requirements in 49 CFR part 40, subpart O, after the occurrence of any of the following events:

(a) The driver receives a positive, adulterated, or substituted drug test result conducted under part 40;
(b) The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration conducted under part 40;

(c) The driver refused to submit to a test for drugs or alcohol required under § 382; or
(d) The driver used alcohol prior to a post-accident alcohol test in violation of § 382.209.

CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B
Any driver who engages in conduct prohibited by Section B of this policy will be subject to disciplinary action up to and including termination.

SECTION C - TESTS REQUIRED

TESTS REQUIRED
Required testing includes pre-employment (controlled substances required, alcohol at option of the Borough), post-accident, random, and reasonable suspicion. Return-to-duty and follow-up-testing is also required if the Borough allows a "positive" test employee to return to a safety-sensitive function after the required evaluation by a Substance Abuse Professional and the required rehabilitation.

THE BOROUGH RESERVES RIGHT TO CONDUCT NON-DOT DRUG AND ALCOHOL TESTING
In addition to drug and alcohol testing conducted by the Borough pursuant to 49 CFR Part 40 and 49 CFR Part 382, the Borough reserves the independent authority to screen and/or test employees under the Borough 's Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective negotiations agreements. The term "illegal use of drugs" includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227]. This may also include a "zero tolerance" policy for the use of drugs or alcohol.

PRE-EMPLOYMENT *382.301*
(a) Prior to the first time a driver performs safety-sensitive functions for the Borough, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the Borough uses the exception in paragraph (b) of this section. The Borough shall not allow a driver, who the Borough intends to hire or use, to perform safety-sensitive functions unless the Borough has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver. The Borough shall require a re-collection of a urine specimen on any pre-employment, return-to-duty and follow-up drug test if the result is negative-dilute. The MRO has authority to direct the re-collection be observed. If the second test result is also negative-dilute, the Borough shall accept the result as a negative test.
(b) The Borough is not required to administer a controlled substances test required by paragraph (a) of this section if:

(1) The driver has participated in a controlled substances testing program that meets the requirements of this policy within the previous 30 days; and

(2) While participating in that program, either--

(i) Was tested for controlled substances within the past 6 months (from the date of application with the Borough), or

(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Borough); and

(3) The Borough ensures that no prior employer of the driver of whom the Borough has knowledge has records of a violation of this policy or the controlled substances use rule of another DOT agency within the previous six months.

(c) (1) If the Borough exercises the exception in paragraph (b) of this section, the Borough shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:

(i) Name(s) and address(es) of the program(s).

(ii) Verification that the driver participates or participated in the program(s).

(iii)Verification that the program(s) conforms to part 40 of Federal regulations.

(iv)Verification that the driver is qualified under the rules of this policy, including that the driver has not refused to be tested for controlled substances.

(v) The date the driver was last tested for controlled substances.

(vi)The results of any tests taken within the previous six months and any other violations of Section B of this policy.

(2) If the Borough who uses, but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with 382.401. If the Borough cannot verify that the driver is participating in a controlled substances testing program in accordance with this policy and part 40 of Federal regulations, the Borough shall conduct a pre-employment-controlled substances test.

(d) The Borough may, but is not required to, conduct pre-employment alcohol testing under this policy. If the Borough chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:

(1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).

(3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of Federal regulation.

(5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

POST-ACCIDENT *382.303*

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Borough shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Borough shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by the Borough
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

(d) (1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, the Borough shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the Borough shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, the Borough shall cease attempts to administer a controlled

substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Borough to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) The Borough shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the Borough.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the Borough.

(h) Exception. This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3) by the Borough unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 177.823.

RANDOM *382.305*

(a) The Borough shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.

(b) (1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.

(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.

(i) (1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(3) Each driver selected for testing shall be tested during the selection period.

(j) (1) To calculate the total number of covered drivers eligible for random testing throughout the year, the Borough, must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in the Borough's random testing pool, and all covered drivers must be in the random pool. If the Borough conducts random testing more often than once per month (e.g., daily, weekly, bi-weekly) the Borough does not need to compute this total number of covered drivers' rate more than on a once per month basis.

(2) The Borough may use a service agent (e.g., a C/TPA) to perform random selections and covered drivers may be part of a larger random testing pool of covered employees. However, the Borough must ensure that the service agent is testing at the appropriate percentage established for FMCSA and that only covered employees are in the random testing pool

(k) (1) The Borough shall ensure that random alcohol and controlled substances tests conducted under this policy are unannounced.

(2) The Borough shall ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

(l) The Borough shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Borough shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(m) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(n) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the Borough, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

(o) If the Borough is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, the Borough may--

(1) Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

(2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the Borough is subject.

<u>REASONABLE SUSPICION *382.307*</u>

(a) The Borough shall require a driver to submit to an alcohol test when the Borough has reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning alcohol. The Borough's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) The Borough shall require a driver to submit to a controlled substances test when there is reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this

policy concerning controlled substances. The Borough's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or an official of the Borough who is trained in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. If the employee insists on driving, the proper local Police authority should be notified that an employee, who we believe may be under the influence of a drug or alcohol, is leaving the Borough premises driving a motor vehicle.

(d) Alcohol testing is authorized by DOT/FMCSA regulations only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the Federal regulation. A driver may be directed by the Borough to only undergo reasonable suspicion alcohol testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e) (1) If an alcohol test required by DOT/FMCSA regulations is not administered within two (2) hours following the determination under paragraph (a) of this section, the Borough shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by DOT/FMCSA regulations is not administered within eight (8) hours following the determination under paragraph (a) of this section, the Borough shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(2) Notwithstanding the absence of a reasonable suspicion alcohol test under DOT/FMCSA regulations, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Borough permit the driver to perform or continue to perform safety-sensitive functions, until:

(i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(ii)Twenty four (24) hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this policy concerning the use of alcohol.

(3) Except as provided in paragraph (e)(2) of this section, the Borough shall take no action under this policy against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the Borough with independent authority of DOT/FMCSA regulations from taking any action otherwise consistent with law.

(f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or an official of the Borough who made the observations, with 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

RETURN-TO-DUTY *382.309*
The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

FOLLOW-UP *382.311*
The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

SECTION D - HANDLING OF TEST RESULTS, RECORD RETENTION AND CONFIDENTIALITY

RETENTION OF RECORDS *382.401*
(a) General requirement. The Borough shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.
(b) Period of retention. The Borough shall maintain the records in accordance with the following schedule:

(1) *Five years.* The following records shall be maintained for a minimum of five years:
(i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
(ii) Records of driver verified positive controlled substances test results,
(iii) Documentation of refusals to take required alcohol and/or controlled substances tests,
(iv) Driver evaluation and referrals,
(v) Calibration documentation,
(vi) Records related to the administration of the alcohol and controlled substances testing programs,
(vii) Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations, and
(viii) A copy of each annual calendar year summary required by 382.403.

(2) *Two years.* Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

(3) *One year.* Records of negative and canceled controlled substances test results (as defined in part 40 of Federal regulations) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

(4) *Indefinite period.* Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the Borough while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

(c) Types of records. The following specific records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of Federal regulations and this policy. If the record is required to be prepared, it must be maintained.

(1) Records related to the collection process:
(i) Collection logbooks, if used,
(ii) Documents relating to the random selection process,
(iii) Calibration documentation for evidential breath testing devices,
(iv) Documentation of breath alcohol technician training,

(v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests,

(vi) Documents generated in connection with decisions on post-accident tests,

(vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing and

(viii) A copy of each annual calendar year summary as required by 382.403.

(2) Records related to a driver's test results:

(i) The Borough's copy of the alcohol test form, including the results of the test,

(ii) The Borough's copy of the controlled substances test chain of custody and control form,

(iii) Documents sent by the MRO to the Borough, including those required by part 40, Subpart G,

(iv) Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this policy and

(v) Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this policy.

(vi) Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the Borough:

(A) Must obtain in connection with the exception contained in 382.301 of this policy, and

(B) Must obtain as required by 382.413.

(3) Records related to other violations of this policy.

(4) Records related to evaluations:

(i) Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance and

(ii) Records concerning a driver's compliance with recommendations of the substance abuse professional.

(5) Records related to education and training:

(i) Materials on alcohol misuse and controlled substances use awareness, including a copy of the Borough's policy on alcohol misuse and controlled substances use,

(ii) Documentation of compliance with requirements of 382.601, including the driver's signed receipt of education materials,

(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;

(iv) Documentation of training for breath alcohol technicians as required by 40.213(a), and

(v) Certification that any training conducted under these Federal Regulations complies with requirements for such training.

(6) Administrative records related to alcohol and controlled substances testing:

(i) Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, and consortia and/or with a C/TPA,

(ii) Names and positions of officials and their role in the Borough's alcohol and controlled substances testing program(s),

(iii) Semi-annual laboratory statistical summaries of urinalysis required by 40.111 (a) of Federal regulations and

(iv) The Borough's alcohol and controlled substances testing policy and procedures.
(d) Location of records. All records required by this policy shall be maintained as required by 390.31 and shall be made available for inspection at the Borough's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM *382.403*

(a) The Borough shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Borough or any of its drivers.
(b) If the Borough is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the Borough's annual calendar year summary information, the Borough shall prepare and submit the report to the FMCSA by March 15 of that year. The Borough shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The Borough must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at Sec. 40.26 and appendix H to part 40). The Borough may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see:
http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm.
You must use the form at appendix H to this part. You may also view and download the updated (1.01.2018) instructions at the DOT's website: (https://www.transportation.gov/odapc). You must submit the MIS report in accordance with rule requirements (e.g., dates for submission, selection of companies required to submit, and method of reporting) established by the DOT agency regulating your operation.
(c) When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The Borough shall ensure the accuracy and timeliness of each report submitted by the Borough or a consortium.
(d) If the Borough has a covered employee who performs multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the Borough), then that employee shall be counted only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. The Borough may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.
(e) A service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) may prepare the MIS report on behalf of the Borough. However, the Borough official (e.g., Designated employer representative) must certify the accuracy and completeness of the MIS report, no matter who prepares it.

ACCESS TO FACILITIES AND RECORDS *382.405*

(a) Except as required by law or expressly authorized or required, the Borough shall not release driver information that is contained in records required to be maintained under 382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to the driver's alcohol or controlled substances tests. The Borough will promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.
(c) The Borough shall permit access to all facilities utilized in complying with the requirements of this policy to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Borough or any of its drivers.
(d) The Borough and each service agent who maintains records for an employer, must make available copies of all results for DOT alcohol and/or controlled substances testing conducted by the Borough and any other information pertaining to the Borough's alcohol misuse and/or controlled substances use prevention program when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Borough or any of its drivers.
(e) When requested by the National Transportation Safety Board as a part of a crash investigation:

(i) The Borough must disclose information related to the Borough's administration of a post-accident alcohol and/or a controlled substances test administered following the crash under investigation; and

(ii) FMCSA will provide access to information in the Clearinghouse (once established) concerning drivers who are involved with the crash under investigation.

(f) When requested by the National Transportation Safety Board as part of an accident investigation, the Borough shall disclose information related to the Borough's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.
(g) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.
(h) The Borough may disclose information required to be maintained under this policy pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought).
(i) The Borough shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR part 40.321(b).

MEDICAL REVIEW OFFICER NOTIFICATIONS TO THE BOROUGH *382.407*

The medical review officer shall report the results of controlled substances tests to the Borough in accordance with the requirements of 49 CFR part 40, Subpart G.

MEDICAL REVIEW OFFICER RECORD RETENTION FOR CONTROLLED SUBSTANCES *382.409*

(a) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years for verified positive controlled substances test results.
(b) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum or one (1) year for negative and canceled controlled substances test results.
(c) No person may obtain the individual controlled substances test results retained by a medical review officer (MRO as defined in § 40.3) or a consortium/third party administrator (C/TPA as defined in 382.107), and no MRO or C/TPA may release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph (c) shall prohibit a MRO or a C/TPA from releasing to the employer, the Clearinghouse (once established), or to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the controlled substances and alcohol testing program under this part, the information delineated in part 40, subpart G.

EMPLOYER NOTIFICATIONS *382.411*

(a) The Borough shall notify a driver of the results of a pre-employment-controlled substances test conducted under this policy, if the driver applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The Borough shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The Borough shall also inform the driver which controlled substance or substances were verified as positive.
(b) The designated employer representative (DER) shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.
(c) The designated employer representative (DER) shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 24 hours.

INQUIRIES FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION FROM PREVIOUS EMPLOYERS *382.413*

(a) The Borough must request alcohol and controlled substances information from previous employers in accordance with the requirements of § 40.25, except that the Borough must request information from all DOT-regulated employers that employed the driver within the previous 3 years and the scope of the information requested must date back 3 years.
(b) As of January 6, 2023, employers must use the Drug and Alcohol Clearinghouse in accordance with § 382.701(a) to comply with the requirements of § 40.25 of this title with respect to FMCSA-regulated employers. **Exception**: When an employee who is subject to follow-up testing has not successfully completed all follow-up tests, employers must request the previous employer's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5).
(c) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT Agency other than FMCSA, the Borough must request the alcohol and controlled substances information required under this section and § 40.25 directly from those employers regulated by a DOT Agency other than FMCSA.

NOTIFICATION TO EMPLOYERS OF A CONTROLLED SUBSTANCES OR ALCOHOL TESTING PROGRAM VIOLATION *382.415*

Each person holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements under § 382 who has violated the alcohol and controlled substances prohibitions under part 40 or under § 382 without complying with the requirements of part 40, subpart O, must notify in writing all current employers of such violation(s). The driver is not required to provide notification to the employer that administered the test or documented the circumstances that gave rise to the violation. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first.

SECTION E - CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE-RELATED CONDUCT

REMOVAL FROM SAFETY-SENSITIVE FUNCTION *382.501*

(a) Except as provided in Section F of this policy, no driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by Section B of this policy or an alcohol or controlled substances rule of another DOT agency.

(b) The Borough shall not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the Borough has determined that the driver has violated this policy.

(c) For the purposes of DOT/FMCSA regulations, commercial motor vehicle means a commercial motor vehicle in commerce as defined in 382.107 and a commercial motor vehicle in interstate commerce as defined in part 390.

REQUIRED EVALUATION AND TESTING *382.503*

No driver who has engaged in conduct prohibited by Section B of this policy shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O. The Borough shall not permit a driver who has engaged in conduct prohibited by Section B of this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O.

OTHER ALCOHOL-RELATED CONDUCT *382.505*

(a) No driver tested under the provisions of Section C of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the Borough, including driving a commercial motor vehicle, nor shall the Borough permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, the Borough shall not take any action under this policy against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the Borough with authority independent of this policy from taking any action otherwise consistent with law.

The use or possession of alcoholic beverages while on the Borough's property, or in any of the Borough's vehicle, or on the Borough's time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

Employees who are not at work, but who could be called out are expected to be fit for duty upon reporting for work. If an employee is under the influence of alcohol, the employee must notify the Borough's personnel when contacted. Failure to advise the Borough of alcohol consumption may result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employee's supervisor must be notified.

The supervisor must objectively observe the employee's behavior and if possible, substantiate the behavior with a second supervisor. Supervisors must have received training in alcohol and/or substance abuse detection. The supervisor must follow procedures outlined in the policy. If a determination to test for reasonable suspicion is made, the employee is immediately removed from safety-sensitive duties and the DER is contacted.

PENALTIES 382.507

The Borough and/or driver who violates the FMCSA requirements of § 382 and/or 49 CFR part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. Section 521(b).

SECTION F – ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE INFORMATION, TRAINING, AND REFERRAL

THE BOROUGH'S OBLIGATION TO PROMULGATE A POLICY ON THE MISUSE OF ALCOHOL AND USE OF CONTROLLED SUBSTANCES. *382.601*

(a) *General requirements.* The Borough shall provide educational materials that explain the requirements of this policy and the Borough's policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements.

(1) The Borough shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) The Borough shall provide written notice to representatives of employee organizations of the availability of this information.

(b) *Required content.* The materials to be made available to drivers shall include detailed discussion of at least the following:

(1) The identity of the person designated by the Borough to answer driver questions about the materials'

(2) The categories of drivers who are subject to the provisions of this policy;

(3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the policy;

(4) Specific information concerning driver conduct that is prohibited by this policy;

(5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d);

(6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing process, safeguard the validity

of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d); *(49 CFR part 40)*

(7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy;

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(9) The consequences for drivers found to have violated Section B of this policy, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR part 40, Subpart O;

(10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less that 0.04;

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management;

(c) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse (once established):

(1) A verified positive, adulterated, or substituted drug test result;

(2) An alcohol confirmation test with a concentration of 0.04 or higher;

(3) A refusal to submit to any test required by subpart C;

(4) An employer's report of actual knowledge, as defined at § 382.107:

(5) On-duty alcohol use pursuant to § 382.205;

(6) Pre-duty alcohol use pursuant to § 382.207;

(7) Alcohol use following an accident pursuant to § 382.209; and

(8) Controlled substance use pursuant to § 382.213;

(9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;

(10) A negative return-to-duty test; and

(11) An employer's report of completion of follow-up testing.

(d) *Optional provision.* The materials supplied to drivers may also include information on the Borough's additional policies with respect to the use or possession of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the Borough's authority independent of Federal regulation. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(e) *Certificate of receipt.* The Borough shall ensure that each driver is required to sign a statement certifying that he/she/they has received a copy of these materials described in this section. The Borough shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

TRAINING FOR SUPERVISORS *382.603*

The Borough shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether

reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

REFERRAL, EVALUATION, AND TREATMENT *382.605*

The requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR part 40, Subpart O.

SECTION G – REQUIREMENTS AND PROCEDURES FOR IMPLEMENTATION OF THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

The purpose of the Borough Policy update in advance of the Compliance Date of January 6, 2020 as mandated by § 382.601: 1) is part of the Borough 's efforts to meet its *Employer Obligation to Promulgate a Policy on the Misuse of Alcohol and Use of Controlled Substance*; 2) to publish educational materials to drivers about the Clearinghouse and other regulatory changes contained in the Final Rule issued December 5, 2016; and 3) to notify drivers that drug and alcohol test information will be reported to the Clearinghouse beginning January 6, 2020 so as to encourage drivers to seek substance abuse treatment if they currently have a problem with the misuse of alcohol and/or use of controlled substance(s).

DRUG AND ALCOHOL CLEARINGHOUSE *382.701*

(a) *Pre-employment query required.*

(1) Employers must not employ a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.

(2) The Borough must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

(b) *Annual query required.*

(1) The Borough must conduct a query of the Clearinghouse at least once per year for information for all employee's subject to controlled substance and alcohol testing under 382, to determine whether information exists in the Clearinghouse about those employees.

(2) In lieu of a full query, as described in paragraph (a)(2) of 382.701, the Borough may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement in paragraph (b)(1) of this section. The limited query will tell the Borough whether there is information about the individual driver in the Clearinghouse,

but will not release that information to the Borough. The individual driver may give consent to conduct limited queries that is effective for more than one year.

(3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, in accordance with paragraph (a)(2) of 382.701, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in paragraph (d) of 382.701.

(c) *Employer notification.* If any information described in paragraph (a) of 382.701 is entered into the Clearinghouse about a driver during the 30-day period immediately following an employer conducting a query of that driver's records, FMCSA will notify the employer.

(d) *Prohibition.* No employer may allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at

§ 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance in violation of § 382.213, except where a query of the Clearinghouse demonstrates:

(1) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, of this title; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.

(2) That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with § 40.307 and specified in the SAP report required by § 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, and achieves a negative return-to-duty test result, and the employer assumes the responsibility for managing the follow-up testing process associated with the testing violation.

(e) *Recordkeeping required.* Employers must retain for 3 years a record of each query and all information received in response to each query made under this section. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement.

DRIVER CONSENT TO PERMIT ACCESS TO INFORMATION IN THE CLEARINGHOUSE *382.703*

(a) No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent. The employer conducting the search must retain the consent for 3 years from the date of the last query.

(b) Before the Borough may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the employer access to the following specific records:

(1) A verified positive, adulterated, or substituted controlled substances test result;

(2) An alcohol confirmation test with a concentration of 0.04 or higher;

(3) A refusal to submit to a test in violation of § 382.211;

(4) An employer's report of actual knowledge, as defined at § 382.107, of:

(i) On duty alcohol use pursuant to § 382.205;

(ii) Pre-duty alcohol use pursuant to § 382.207;

(iii) Alcohol use following an accident pursuant to § 382.209; and

(iv) Controlled substance use pursuant to § 382.213;

(5) A SAP report of the successful completion of the return-to-duty process;

(6) A negative return-to-duty test; and

(7) An employer's report of completion of follow-up testing.

(c) No employer may permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by paragraphs (a) and (b) of 382.703.

(d) A driver granting consent under 382.703 must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with § 382.701(a)(2) or (b)(3).

(e) A driver granting consent under this section grants consent for the Agency to release information to an employer in accordance with § 382.701(c).

REPORTING TO THE CLEARINGHOUSE *382.705*

(a) *MROs.*

(1) Within 2 business days of making a determination or verification, MROs must report the following information about a driver to the Clearinghouse:

(i) Verified positive, adulterated, or substituted controlled substances test results;

(ii) Refusal-to-test determination by the MRO in accordance with 49 CFR 40.191(a)(5), (7), and (11), (b), and (d)(2).

(2) MROs must provide the following information for each controlled substances test result specified in paragraph (a)(1) of this section:

(i) Reason for the test;

(ii) Federal Drug Testing Custody and Control Form specimen ID number;

(iii) Driver's name, date of birth, and CDL number and State of issuance;

(iv) Employer's name, address, and USDOT number, if applicable;

(v) Date of the test;

(vi) Date of the verified result; and

(vii) *Test result.* The test result must be one of the following:

(A) Positive (including the controlled substance(s) identified);

(B) Refusal to test: adulterated;

(C) Refusal to test: substituted; or

(D) Refusal to provide a sufficient specimen after the MRO makes a determination, in accordance with § 40.193 of this title, that the employee does not have a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. Under this subpart a refusal would also include a refusal to undergo a medical examination or evaluation to substantiate a qualifying medical condition.

(3) Within 1 business day of making any change to the results report in accordance with paragraph (a)(1) of this section, a MRO must report that changed result to the Clearinghouse.

(b) *Employers.*

(1) Employers must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

(i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;

(ii) A negative return-to-duty test result;

(iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;

(iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and

(v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title.

(2) The information required to be reported under paragraph (b)(1) of this section must include, as applicable:

(i) Reason for the test;

(ii) Driver's name, date of birth, and CDL number and State of issuance;

(iii) Employer name, address, and USDOT number;

(iv) Date of the test;

(v) Date the result was reported; and

(vi) *Test result.* The test result must be one of the following:

(A) Negative (only required for return-to-duty tests administered in accordance with § 382.309);.

(B) Positive; or

(C) Refusal to take a test.

(3) For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the employer must report the following information:

(i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;

(ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);

(iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to paragraph (b)(6) of this section when the reported refusal occurred (if applicable); and

(iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under paragraph (b)(3) of this section.

(4) Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:

(i) On-duty alcohol use pursuant to § 382.205;
(ii) Pre-duty alcohol use pursuant to § 382.207;
(iii) Alcohol use following an accident pursuant to § 382.209; and
(iv) Controlled substance use pursuant to § 382.213.

(5) For each violation in paragraph (b)(4) of this section, the employer must report the following information:

(i) Driver's name, date of birth, CDL number and State of issuance;
(ii) Employer name, address, and USDOT number, if applicable;
(iii) Date the employer obtained actual knowledge of the violation;
(iv) Witnesses to the violation, if any, including contact information;
(v) Description of the violation;
(vi) Evidence supporting each fact alleged in the description of the violation required under paragraph (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
(vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (b)(4) of this section.

(6) An employer who employs himself/herself as a driver must designate a C/TPA to comply with the employer requirements in paragraph (b) of this section related to his or her own alcohol and controlled substances use.

(c) *C/TPAs*. Any employer may designate a C/TPA to perform the employer requirements in paragraph (b) of this section. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with this section. Exception: an employer does not retain responsibility where the C/TPA is designated to comply with employer requirements as described in paragraph (b)(6) of 382.705.

(d) *SAPs*.

(1) SAPs must report to the Clearinghouse for each driver who has completed the return-to-duty process in accordance with 49 CFR part 40, subpart O, the following information:

(i) SAPs name, address, and telephone number;
(ii) Driver's name, date of birth, and CDL number and State of issuance;
(iii) Date of the initial substance-abuse-professional assessment; and
(iv) Date the SAP determined that the driver demonstrated successful compliance as defined in 49 CFR part 40, subpart O, and was eligible for return-to-duty testing under 382.

(2) SAP must report the information required by paragraphs (d)(1)(i) through (iii) of this section by the close of the business day following the date of the initial substance abuse assessment, and must report the information required by paragraph (d)(1)(iv) of 382.703 by the close of the business day following the determination that the driver has completed the return-to-duty process.

(e) *Reporting truthfully and accurately*. Every person or entity with access must report truthfully and accurately to the Clearinghouse and is expressly prohibited from reporting information he or she knows or should know is false or inaccurate.

Reporting Entities and Circumstances	
Reporting Entity	**When Information Will Be Reported to Clearinghouse**
Prospective/Current Employer of CDL Driver	— An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
Service Agent acting on behalf of Current Employer of CDL Driver	— An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
MRO	— Verified positive, adulterated, or substituted drug test result — Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191
SAP	— Identification of driver and date the initial assessment was initiated — Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing

NOTICE TO DRIVERS OF ENTRY, REVISION, REMOVAL, OR RELEASE OF INFORMATION *382.707*

(a) FMCSA must notify a driver when information concerning that driver has been added to, revised, or removed from the Clearinghouse.
(b) FMCSA must notify a driver when information concerning that driver has been released from the Clearinghouse to an employer and specify the reason for the release.
(c) Drivers will be notified by letter sent by U.S. Mail to the address on record with the State Driver Licensing Agency that issued the driver's commercial driver's license. Exception: A driver may provide the Clearinghouse with an alternative means or address for notification, including electronic mail.

DRIVERS' ACCESS TO INFORMATION IN THE CLEARINGHOUSE *382.709*

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

CLEARINGHOUSE REGISTRATION *382.711*

(a) *Clearinghouse registration required.* Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.

(b) *Employers.*

(1) Employer Clearinghouse registration must include:

(i) Name, address, and telephone number;

(ii) USDOT number, except if the registrant does not have a USDOT Number, it may be requested to provide other information to verify identity; and

(iii) Name of the person(s) the employer authorizes to report information to or obtain information from the Clearinghouse and any additional information FMCSA needs to validate his or her identity.

(2) Employers must verify the names of the person(s) authorized under paragraph (b)(1)(iii) of this section annually.

(3) Identification of the C/TPA or other service agent used to comply with the requirements of this part, if applicable, and authorization for the C/TPA to query or report information to the Clearinghouse. Employers must update any changes to this information within 10 days.

(c) *MROs and SAPs.* Each MRO or SAP must provide the following to apply for Clearinghouse registration:

(1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity;

(2) A certification that the applicant's access to the Clearinghouse is conditioned on his or her compliance with the applicable qualification and/or training requirements in 49 CFR part 40; and

(3) Evidence of required professional credentials to verify that the applicant currently meets the applicable qualification and/or training requirements in 49 CFR part 40.

(d) C/TPAs and other service agents. Each consortium/third party administrator or other service agent must provide the following to apply for Clearinghouse registration:

(1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity; and

(2) Name, title, and telephone number of the person(s) authorized to report information to and obtain information from the Clearinghouse.

(3) Each C/TPA or other service agent must verify the names of the person(s) authorized under paragraph (d)(2) of 382.711 annually.

DURATION, CANCELLATION, AND REVOCATION OF ACCESS *382.713*

(a) *Term.* Clearinghouse registration is valid for 5 years, unless cancelled or revoked.

(b) *Cancellation.* FMCSA will cancel Clearinghouse registrations for anyone who has not queried or reported to the Clearinghouse for 2 years.

(c) *Revocation.* FMCSA has the right to revoke the Clearinghouse registration of anyone who fails to comply with any of the prescribed rights and restrictions on access to the Clearinghouse, including but not limited to, submission of inaccurate or false information and misuse or

misappropriation of access rights or protected information from the Clearinghouse and failure to maintain the requisite qualifications, certifications and/or training requirements as set forth in part 40 of this title.

AUTHORIZATION TO ENTER INFORMATION INTO THE CLEARINGHOUSE *382.717*

(a) *C/TPAs.* No C/TPA or other service agent may enter information into the Clearinghouse on an employer's behalf unless the employer designates the C/TPA or other service agent.

(b) *SAPs.* A driver must designate a SAP before that SAP can enter any information about the driver's return-to-duty process into the Clearinghouse.

PROCEDURES FOR CORRECTING INFORMATION IN THE DATABASE 382.17

(a) Petitions limited to inaccurately reported information.

(1) Under this section, petitioners may challenge only the accuracy of information reporting, not the accuracy of test results or refusals.

(2) *Exceptions.*

(i) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge that the driver received a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances if the citation did not result in a conviction. For the purposes of this section, conviction has the same meaning as used in 49 CFR part 383.

(ii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge (other than as provided for in paragraph (a)(2)(i) of this section) if that report does not comply with the reporting requirements in § 382.705(b)(5).

(iii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of a violation under 49 CFR 40.261(a)(1) or 40.191(a)(1) if that report does not comply with the reporting requirements in § 382.705(b)(3).

(b) *Petition.* Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse. The petition must include:

(1) The petitioner's name, address, telephone number, and CDL number and State of issuance;

(2) Detailed description of the basis for the allegation that the information is not accurate; and

(3) Evidence supporting the allegation that the information is not accurate. Failure to submit evidence is cause for dismissing the petition.

(c) *Submission of petition.* The petitioner may submit his/her/their petition electronically through the Clearinghouse or in writing to: Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Attention: Drug and Alcohol Program Manager, 1200 New Jersey Avenue SE, Washington, D.C. 20590.

(d) *Notice of decision.* Within 45 days of receiving a complete petition, FMCSA will inform the driver in writing of its decision to remove, retain, or correct the information in the database and provide the basis for the decision.

(e) *Request for expedited treatment.*

(1) A driver may request expedited treatment to correct inaccurate information in his or her Clearinghouse record under paragraph (a)(1) of this section if the inaccuracy is

currently preventing him or her from performing safety-sensitive functions, or to remove employer reports under paragraph (a)(2) of this section if such reports are currently preventing him or her from performing safety- sensitive functions. This request may be included in the original petition or as a separate document.

(2) If FMCSA grants expedited treatment, it will subsequently inform the driver of its decision in writing within 14 days of receipt of a complete petition.

(f) *Administrative review.*

(1) A driver may request FMCSA to conduct an administrative review if he or she believes that a decision made in accordance with paragraph (d) or (e) of this section was in error.

(2) The request must prominently state at the top of the document: "Administrative Review of Drug and Alcohol Clearinghouse Decision" and the driver may submit his/her/their request electronically through the Clearinghouse or in writing to the Associate Administrator for Enforcement (MC-E), Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.

(3) The driver's request must explain the error he or she believes FMCSA committed and provide information and/or documents to support his or her argument.

(4) FMCSA will complete its administrative review no later than 30 days after receiving the driver's request for review. The Associate Administrator's decision will constitute the final Agency action.

(g) *Subsequent notification to employers.* When information is corrected or removed in accordance with this section, or in accordance with 49 CFR part 10, FMCSA will notify any employer that accessed the incorrect information that a correction or removal was made.

AVAILABILITY AND REMOVAL OF INFORMATION *382.719*

(a) Driver information not available. Information about a driver's drug or alcohol violation will not be available to an employer conducting a query of the Clearinghouse after all of the following conditions relating to the violation are satisfied:

(1) The SAP reports to the Clearinghouse the information required in § 382.705(d);

(2) The employer reports to the Clearinghouse that the driver's return-to-duty test results are negative;

(3) The driver's current employer reports that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title; and

(4) Five years have passed since the date of the violation determination.

(b) Driver information remains available. Information about a particular driver's drug or alcohol violation will remain available to employers conducting a query until all requirements in paragraph (a) of this section have been met.

(c) *Exceptions.*

(1) Within 2 business days of granting a request for removal pursuant to § 382.717(a)(2)(i), FMCSA will remove information from the Clearinghouse.

(2) Information about a particular driver's drug or alcohol violation may be removed in accordance with § 382.717(a)(2)(ii) and (iii) or in accordance with 49 CFR part 10.

(d) *Driver information remains available.* Nothing in this part shall prevent FMCSA from using information removed under this section for research, auditing, or enforcement purposes.

FEES *382.721*

FMCSA may collect a reasonable fee from entities required to query the Clearinghouse. ***Exception***: No driver may be required to pay a fee to access his or her own information in the Clearinghouse.

UNAUTHORIZED ACCESS OR USE PROHIBITED *382.723*

(a) Except as expressly authorized in this subpart, no person or entity may access the Clearinghouse. No person or entity may share, distribute, publish, or otherwise release any information in the Clearinghouse except as specifically authorized by law. No person may report inaccurate or misleading information to the Clearinghouse.

(b) An employer's use of information received from the Clearinghouse is limited to determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle. No employer may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle.

c) Violations of this section are subject to civil and criminal penalties in accordance with applicable law, including those set forth at § 382.507.

(d) Nothing in this part shall prohibit FMCSA from accessing information about individual drivers in the Clearinghouse for research, auditing, or enforcement purposes.

ACCESS BY STATE LICENSING AUTHORITIES *382.725*

(a) In order to determine whether a driver is qualified to operate a commercial motor vehicle, the chief commercial driver's licensing official of a State must obtain the driver's record from the Clearinghouse if the driver has applied for a commercial driver's license from that State.

(b) By applying for a commercial driver's license, a driver is deemed to have consented to the release of information from the Clearinghouse in accordance with this section.

(c) The chief commercial driver's licensing official's use of information received from the Clearinghouse is limited to determining an individual's qualifications to operate a commercial motor vehicle. No chief driver's licensing official may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining an individual's qualifications to operate a commercial motor vehicle.

(d) A chief commercial driver's licensing official who does not take appropriate safeguards to protect the privacy and confidentiality of information obtained under this section is subject to revocation of his or her right of access under this section.

PENALTIES *382.727*

An employer, employee, MRO, or service agent who violates any provision of this subpart shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b)(2)(C).

INVESTIGATION AND INQUIRIES *391.23*

(e) (4) As of January 6, 2023, employers subject to § 382.701(a) of § 382 must use the Drug and Alcohol Clearinghouse to comply with the requirements of this section with respect to FMCSA-regulated employers.

(i) *Exceptions.*

(A) If an applicant who is subject to follow-up testing has not successfully completed all follow-up tests, the employer must request the applicant's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5) of Part 40.

(B) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT mode other than FMCSA, the employer must request alcohol and controlled substances information required under this section directly from those employers regulated by a DOT mode other than FMCSA.

(ii) [*Reserved*]

(f) (1) A prospective motor carrier employer must provide to the previous employer the driver's consent meeting the requirements of § 40.321(b) of Part 40 for the release of the information in paragraph (e) of 391.23. If the driver refuses to provide this consent, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle for that motor carrier.

(2) If a driver refuses to grant consent for the prospective motor carrier employer to query the Drug and Alcohol Clearinghouse in accordance with paragraph (e)(4) of 391.23, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle.

Workplace Violence Policy:

The Employer has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Employer, its employees or which occur on the Employer's property will not be tolerated.

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

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

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

Specific Examples of Prohibited Conduct. Specific examples of conduct which may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to:

- Hitting, fighting, pushing, or shoving an individual or throwing objects;
- Threatening to harm an individual or his/her/their family, friends, associates, or their property;
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the Employer;
- Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Employer;
- Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;
- Making a suggestion or otherwise intimating that an act to injure persons or property is "appropriate," without regard to the location where such suggestion or intimation occurs;
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Employer property.

While employees of the Employer may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

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

Warning Signs, Symptoms and Risk Factors. The following are examples of warning signs, symptoms, and risk factors which MAY indicate an employee's potential for workplace violence:

- Dropping hints about a knowledge of firearms;
- Making intimidating statements like: "You know what happened at the Post Office," "I'll get even," or "You haven't heard the last from me";
- Possessing reading material with themes of violence, revenge and harassment;
- Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;

- Acting out either verbally or physically;
- Disgruntled employee or ex-employee who is excessively bitter;
- Being a loner;
- Having a romantic obsession with a co-worker who does not share that interest;
- History of interpersonal conflict;
- Intense anger, lack of empathy;
- Domestic problems, unstable/dysfunctional family;
- Brooding, depressed strange behavior, "time bomb ready to go off."
- Supervisors should be alerted to and aware of these indicators. If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented.

Procedures for Dealing with Acts of Workplace Violence. When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact your Department Head or the designated human resources official. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 or the local police department, and contact your Department Head or the designated human resources official. The Department Head will contact the designated human resource officer, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the designated human resources official will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Each employee and every person on Employer property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. In cases where the reporting individual is not an employee, the report should be made to the local police department. In cases where the reporting individual is an employee, the report should be made to the employee's Department Head or the designated human resources official. Each Department Head shall promptly refer any such incident to the designated human resources official.

The Employer will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution.

Nothing in the policy alters any other reporting obligation established in the Employer's policies or in state, federal or other applicable law.

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

Policy Against Harassment:

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

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

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

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

A. Treating an individual less favorably based on a person's protected group status;

B. Using derogatory or demeaning slurs to refer to a person's protected group status;

C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;

D. Using derogatory references regarding a protected group status in any job-related communication;

E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or

F. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.
Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

Sexual Harassment. The Employer prohibits sexual harassment of its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:

(1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or

(2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or

(3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct: No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

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

(1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;

(2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;

(3) The display of sexually graphic pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;

(4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another employee's body.

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

Complaint Procedure. Any employee who feels he or she has been subject to harassment should report the incident directly to the Borough Administrator. The Borough Administrator will ask the employee to complete a Harassment Complaint Form (See Harassment Complaint Form in Section Six of this Manual) Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

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

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

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

The Employer strongly encourages employees who witness conduct which they believe violates the Employer's Policy Against Harassment to report the violation pursuant to this complaint procedure. (See Witness Statement Form in Section Six of this Manual). The Employer encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Investigation Procedure. The Employer shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Borough Administrator shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include any third party deemed appropriate.

The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused.

If the Employer determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location with the Employer.

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

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

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Borough Administrator for resolution.

Retaliation Prohibited. The Employer 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. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, 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 supervisor who receives a harassment complaint from any employee must bring it to the attention of the Borough Administrator for resolution. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but

not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

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

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

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

"Whistle Blower" Policy:

As a matter of policy, the Employer abides by all federal, state, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the Employer to implement this policy.

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

The Employer or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred.

More specifically, neither the Employer nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

- Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the Employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the Employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care;
- Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any government entity;
- Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Employer or any governmental entity.
- Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes: (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care; (2) is fraudulent or criminal; or (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. See N.J.S.A. 34:19-3.

Disclosure to the Employer first, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. The employee must give the Employer a reasonable opportunity to correct the activity, policy or practice. It is the Employer's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A violation can taint the credibility of the Employer and cause the Employer and its employees to be subjected to adverse publicity leading to public distrust.

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

Employee Complaint Policy:

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head or the Borough Administrator. Reporting of such incidents is encouraged

both, when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form or Witness Statement Form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

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

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

Relevant Forms: See "Employee Complaint Form and Witness Statement Form" at Section Six of this Manual.

Grievance Policy:

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

• **Step One**: Any employee or group of employees with a grievance shall communicate their grievance to their supervisor or Department Head who will discuss the matter with the human resources official and/or the Borough Administrator. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.

• **Step Two**: If the employee is not satisfied with the decision, the employee must submit a written grievance to the human resources officer and/or the Borough Administrator detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting with the human resources official and counsel, as appropriate, the Borough Administrator will render a written decision to the employee within five (5) working days after receipt of the written grievance.

• **Step Three:** If the employee is not satisfied with the Borough Administrator's decision, the employee may request, in writing, a hearing before the Borough Administrator, at which both the employee and the Department Head may be heard. The Borough Administrator shall notify the employee and the Department Head of his decision within ten (10) days of the hearing.

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

Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Borough Clerk, except for police files, which shall be maintained by the Police Department. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Borough premises in the presence of the Borough Administrator (or for police personnel – the Chief of Police), or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion, or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

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

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

- In response to a valid subpoena, court order, or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough's compliance with applicable law;
- To the Borough's agents and attorneys, when necessary;

- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefits plans;
- To an authorized healthcare provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting verification of your employment as described in section Five of this Manual in the Policy titled, "Requests for Employment Verification and Reference Procedure."

HIPAA Compliance:

The Employer is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act ("HIPAA") regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the Employer maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

Conflict of Interest Policy:

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

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

A potential or actual conflict of interest occurs whenever an employee including a Borough official, is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Borough may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, the employee should immediately contact the Administrator, Borough Attorney, or Labor Counsel to obtain clarification. See also Borough Ordinance #1359.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. Any Borough employee who also holds additional outside employment

of any kind, has an obligation to notify the Borough Administrator, in writing, of such outside employment, as soon as practicable after accepting the outside position. Failure to provide this notice constitutes grounds for major discipline. For police personnel holding outside employment, such personnel must provide notification to the Chief of Police or his/her/their designee. Where the Borough Administrator receives notice that an employee has accepted an outside employment position, the Borough Administrator shall consult with the Borough Attorney in an effort to determine whether the outside employment position held creates a conflict of interest with regard to that employee's Borough position. In the event that such activities result in a conflict of interest, neglect of duty/responsibilities and/or interference with an employee's responsibilities to the Borough and/or a decline in the quality of the employee's work at the Borough, or where such outside employment activities would involve bringing discredit to the Borough, the Borough shall require that such outside employment activities be partially or totally curtailed and/or ceased as a condition of continued employment with the Borough. Any employees who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough duties. Under no circumstances may an employee or Borough official accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. Meals and other entertainment valued in excess of $5.00 are also prohibited. Employees are required to report to the Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

No employee or official (elected and/or appointed) of the Borough shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public that he or she receives or acquires in the course of or by reason of his or her official duties. No employee or official (elected and/or appointed) of the Borough shall use for the purpose of pecuniary gain, whether directly or indirectly, any information not generally available to the public that he or she receives or acquires in the course of or by reason of his or her official duties.

Political Activity Policy:

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Employer's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and

Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

• be a candidate for public office in a partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)

• use his/her/their official authority to influence, to interfere with or affect election results or nominations for office.

• directly or indirectly coerce contributions from any employee to support a political party or candidate. See The Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Employer. Employees should report any violation of this policy to their supervisor or Department Head.

Employee Evaluation Policy:

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

Relevant Forms: See "Borough Performance Appraisal Form", "Borough Counseling Action Plan", and "Borough Employee Evaluation Checklist" at Section Six of this Manual.

Employee Discipline Policy:

An employee may be subject to discipline for any of the following reasons (This list is illustrative only and not intended to limit the reasons for which an employee may be disciplined):

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.

- Theft or attempted theft of property belonging to the Borough, fellow employees, volunteers or visitors.

- Failure to report to work on a day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day(s) of absence pursuant to the Borough' sick leave policy.

- Fighting on Borough property at any time.

- Being under the influence of intoxicants (e.g., liquor or marijuana) or illegal drugs on Borough property and/or at any time during work hours.

- Possession, sale, transfer or use of intoxicants or illegal drugs and/or substances on Borough property and/or at any time during work hours.

- Insubordination.

- Entering the building without permission during non-scheduled work hours.

- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.

- Careless waste of Borough materials or abuse of Borough tools, equipment or supplies.

- Deliberate destruction or damage to Borough or suppliers' property.

- Sleeping on the job.

- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.

- Violation of established safety and fire regulations.

- Unscheduled absence, and chronic or excessive absence.

- Chronic tardiness.

- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.

- Defacing walls, bulletin boards or any other Borough or supplier property.

- Failure to perform duties, inefficiency or substandard performance.

- Unauthorized disclosure of confidential Borough information
- Gambling on Borough premises and/or during work hours.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises and/or during work hours.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Borough rules, regulations, policies or procedures
- Conduct unbecoming a public employee.
- Inability to perform duties and responsibilities.
- Neglect of duties.
- Incompetency, inefficiency or failure to perform duties.
- Violation of Borough policies, procedures, and regulations
- Violation of Federal, State or Borough laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, telephone equipment, Internet, and/or email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

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

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

Suspension for a period of less than five (5) days (minor discipline) may be imposed upon an employee by their Department Head, subject to the approval of the Borough Administrator, provided that the sum of all minor discipline imposed upon that employee does not total more than thirty (30) days suspended in a calendar year.

Suspension for five (5) days or more (major discipline) shall be imposed only by the Borough Administrator. Likewise, dismissal may be imposed only by the Borough Administrator, subject to the approval of the Mayor and Council.

Employees who object to the terms or conditions of any discipline are entitled to a hearing pursuant to the procedure set forth in the Borough Code, §§69-60 – 69-62.

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

Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two (2) weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. For police personnel, the confidential exit interview shall be conducted by the Chief of Police. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and Borough equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Employee Termination Policy:

An employee may be terminated for any reason or no reason at all, including but not limited to of the reasons listed in the Employee Discipline Policy and/or any other inappropriate conduct. All discharges will be in accordance with Federal and State laws as well as applicable collective negotiations agreements. All employees of the Borough, with the exception of those employees who are a party to a collective negotiations agreement with the Borough to the contrary, are at-

will employees, serve at the pleasure of the Borough and may be terminated at any time with or without cause and with or without notice.

Work Force Reduction Policy:

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

Driver's License Policy:

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

All new employees who will be assigned work entailing the operating of a Borough vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Borough vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance is subject to disciplinary action, including demotion and/or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to possible termination.

Any information obtained by the Borough in accordance with this section shall be used by the Borough 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. S 2721 et seq.)

SECTION TWO
Workplace Policies

Job Description Policy:

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

Attendance/Absenteeism Policy:

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the Employer may meet its commitments to its residents. Employee absences place an additional burden on the remaining work force and seriously affect the Employer's ability to service its residents. Management recognizes that circumstances beyond the employee's control may cause him or her to be absent from work for all or part of a day. The Employer, however, will not tolerate unexcused absence or tardiness.

All employees are expected to come to work regularly and on time, work through the day, and to promptly notify their immediate supervisor or other management designee by personal telephone conversation when they are unable to do so. Unless prevented by specific circumstances, the employee must provide notification at least one (1) hour prior to the beginning of work for his or her position. In twenty-four (24) hour shift operations, notice must be given a minimum of one (1) hour before the employee's starting time, unless extenuating circumstances prevent such notification.

Attendance and punctuality will be considered, among other factors, in the employee's performance review. If an employee needs to leave work early, the employee must receive permission from his or her supervisor to leave prior to the regularly scheduled departure time. Employees are prohibited from working through lunch and leaving early without the express written permission of the Department Head or Borough Administrator.

An employee who is absent from duty for five (5) or more consecutive working days without approval or notification or fails to return to work for five (5) or more consecutive working days following an approved leave of absence shall be deemed to have voluntarily resigned from their employment.

To minimize the negative impact on both employees and residents, the Employer will regularly review employee time records to identify chronic absenteeism and/or tardiness problems. Employees who exhibit attendance and/or tardiness problems will be subject to established progressive disciplinary procedures.

When the Borough implements a time clock program, all Borough employees will be required to participate.

Early Closing and Delayed Opening Policy:

In the event of inclement weather and/or unsafe conditions, the Borough Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Borough Administrator shall notify Department Heads of a delayed opening and a new opening time or, alternatively, that the Borough will be closed. Each Department will have a call-in system in place to notify employees in the event of a delayed opening or a closing. If the employee cannot make it to work and/or chooses not to report to work, he or she must notify his or her supervisor. Employees not reporting to work shall be charged a full vacation day or compensatory day. Sick time will only be permitted and charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police, Police Dispatchers, Emergency Services/Emergency Management personnel and/or to any personnel who may be required to assist in an emergency.

Breaks:

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

The above provisions do not apply to police dispatchers.

Employees are prohibited from working through lunch for the purpose of leaving early before the end of their regularly scheduled shift. Exceptions will be granted sparingly on a case-by-case basis. Employees wishing to leave early must present their request in writing to the Department Head or Borough Administrator. Employees are prohibited from leaving early without the express written permission of the Department Head or Borough Administrator.

Dress Code/Appearance Policy:

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image the Borough presents to visitors to municipal facilities and the general public. Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, flip-flops, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance.

Each employee is expected to dress appropriately for the job. The following factors are relevant to determining appropriate dress:

- nature of work

• safety, including necessary precautions when working with or near machinery
• nature of employee contact with the public and the normal expectations of outside parties toward employees
• practices of others in similar jobs
• consideration of the image the Employer wishes to project

This policy incorporates by reference all references to uniform and dress contained in all collective negotiations agreements in force between the Employer and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct.

Employees are prohibited from wearing headphones, including wireless earbuds (such as AirPods) while on duty.

Additionally, some Departments may have more detailed and restrictive rules governing appearance. Employees are required to abide by applicable Department rules.

No Smoking Policy:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and in such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

The Employer owns and maintains a fleet of vehicles ("Employer Vehicles") that are used in furtherance of the business of the Employer. The following policy governs the use of all Employer Vehicles (with the exception of vehicles utilized for law enforcement purposes), and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from improper use of an Employer vehicle. The Employer also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the Borough Administrator. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory

body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the Employer's insurance carrier before an employee will be permitted to operate an Employer Vehicle.

A. Employees are required to file a copy of a valid driver's license with the Employer prior to the use of an Employer Vehicle.

1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.

2. Employees shall inform the Employer within twenty-four (24) hours of any changes in the status of their driving privileges.

3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an Employer vehicle and may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from the use of an Employer vehicle while said employee's driving privileges were suspended or revoked.

B. The Employer reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The Employer reserves the right to suspend an employee's Employer driving privileges if the Employer deems necessary based on the employee's driving record.
2. The Employer shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.

C. The Employer occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.

D. If requested by the Borough Administrator or human resources official, the employee must agree to consent to a simulated road test to determine his/her/their fitness to safely operate a vehicle.

E. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her/their ability to safely operate a vehicle, he/she/they must refrain from driving until he/she/they notifies the Employer and await clearance to resume driving.

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

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

Location of Vehicles. Employees who are assigned the regular use of an Employer Vehicle for official business may, with written permission of his/her/their Department Head, take the Employer Vehicle home at night and keep said vehicle at home while off duty.

If the employee will be absent from duty for more than two (2) working days, or more than five (5) consecutive days, including weekends and holidays, he/she/they must surrender the Employer vehicle to his/her/their direct supervisor unless directed otherwise. An employee storing the vehicle at his residence must provide safe parking for the vehicle at all times.

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

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

A. In the event of an incident or accident involving the use of an Employer Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Borough Administrator within two (2) business days of receipt.

B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Employer.

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

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

General Policies and Procedures. Employees authorized to use an Employer Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.

B. Employees assigned exclusive use of an Employer Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Employer, in order to maintain all manufacturers' warranties (including routine oil changes).

C. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).

D. No smoking is allowed in Employer Vehicles at any time.

E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Employer Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.

F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."

G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

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

Telephone Usage Policy:

Borough telephones are for official business and employees should restrict personal calls to urgent family and personal matters on a limited basis for short durations while at work. Charges for all other personal calls must be reimbursed to the Borough.

Employees should make personal calls during lunch or breaks using their personal cell phones.

The use of hand-held cell phones while driving Borough vehicles or while driving on Borough business is prohibited.

Internet Usage Policy:

The Borough provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing County and State resources.

Employees must comply with all policies adopted by the Borough, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using the Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Mine cryptocurrency;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with Borough's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

This Policy shall include any and all electronic communications relating to the Borough of Dumont and shall include but not be limited to any e-mail, voice mail, text messaging, computer, cell phone and internet communications. Any Borough e-mail, voice mail, text messaging, computer, cell phone and the Internet are for official business and use for non-business purposes is prohibited. All e-mail, voice mail and Internet messages are official documents, and may be subject to the provisions of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, et seq.

All data stored on and/or transmitted through Borough media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

Employees should have no expectation of privacy while using Borough equipment, including computers or cell phones.

The Borough reserves the right to monitor, obtain, review and disclose all E-Mail messages, text messages, cell phone media, internet communications, computer files, voice mail and Internet messages on the computer and communications systems of the Borough as deemed necessary and appropriate. By using the Borough's E-Mail, computer systems, cell phone/text messaging, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, cell phone/text messages, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information. E-mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incidents or occurrences 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 related activities. Any photographs, images, or recordings taken with any device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guidelines or directives concerning storage, release, and disposal. Employees who have recorded any photographs, images, or recordings with any personal device shall notify their supervisor 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 flight from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incidents or occurrences 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 consent of the Borough Administrator.

Communication Media/Social Media Policy:

The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media/Social Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the Borough's Communication Media/Social Media for personal purposes during company time on company equipment without prior authorization from the Administrator to do so.

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

However, nothing in this social media policy prevents employees from using his/her/their own personal Communication Media/Social Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the New Jersey Public Employer Employee Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administrator, and are asked to refrain from posting comments or materials on Communication Media/Social Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media/Social Media.

Employees can only use the Borough's Communication Media/Social Media for legitimate business purposes. Employees may not use Borough's Communication Media/Social Media any way that is defamatory, obscene or harassing or in violation of any Borough rules or policies. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state, or local laws, regulations, or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media/Social Media, whether same

is performed on the Borough's equipment or on the employee's own personal Communication Media/Social Media.

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

Information security is necessary to protect the Borough's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough.

All employees may access data only for which the Borough has given permission. All employees must take appropriate actions to ensure that Borough data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Borough data must be stored centrally as required by the Borough. This provides greater security and ensures backup of all Borough data is performed.

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

Employees may not install or ***modify*** ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Borough. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

Social Media and its uses in government and daily life are expanding each year, however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by Borough Administrator may engage in social media activity during work time through the use of the Borough's Communication Media/Social Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Borough information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of

such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media/Social Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations, "employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For 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 and the employee does not have access to the Borough's Communication Media/Social Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, through the use of the Communication Media/Social Media may be issued unless it has first been approved by the Borough Administrator or his/her/their designee. Specifically, employees are forbidden from using the Borough's Communication Media/Social Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media/Social Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

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

All users are personally accountable for messages that they originate or forward using the Borough's Communication Media/Social Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media/Social media is prohibited. "Spoofing" (constructing electronic communications so that is appears to be from someone else) is prohibited.

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

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough's employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Borough, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough Administrator or his/her/their designee.

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough; as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough, expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer

Employee Relations Act. All Borough employees have the right to engage in or refrain from such activities.

Employees that maintain personal web pages and web sites, including by way of example, but not limited to, Facebook, Instagram, Twitter, Tumblr, LinkedIn, WhatsApp, Snapchat, Pinterest, Reddit, Slack, YouTube, Mix, Tagged, Nextdoor, Deviantart, Quora, Google+, Meetup, ReverbNation, Flixster, Bebo, Goodreads, Twitch, CaringBridge, Wattpad, Viadeo, Crunchyroll, Skyrock, VK, Ello, MyHeritage, LiveJournal, Classmates, SoundCloud, Bubbly, Flickr, We Heart It, Influenster, FilmAffinity, Open Diary, Yelp, CollegeHumor, Gaia Online, MocoSpace, CouchSurfing, Funny or Die, italki, eToro, XING, MeetMe, Ravelry, Care2, YY, Vero, Medium, GIPHY, Tribe shall not post information on such sites that would constitute a violation of the personnel policies of the Borough 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 the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough.

Departments that use social media are responsible for complying with applicable federal, state and county laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, record retention, the Freedom of Information Act (FOIA), the Open Public Records Act (OPRA) N.J.S.A. 47:1A-1, et seq., First Amendment privacy laws, Open Public Meetings Act (OPMA), otherwise known as the "Sunshine Law" and information security policies established by the Borough, its administrators, departments and governing body. The Webmaster shall download, on a monthly basis, all social media posts, comments and account information as a permanent archive.

Employees representing the Borough on social media outlets must identify themselves by name and when relevant, by role in the Borough's municipal government. All municipal policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

The official webmaster shall monitor content on all social media sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Borough.

Cell Phone Usage Policy:

Because cell phones can present a distraction in the workplace, resulting in lost time and productivity, personal cell phone usage shall be limited to work-related or "critical, quality of life activities" only, during actual working hours. Nothing in this policy shall prohibit an employee from utilizing their cell phone, at their own discretion, during their break times and meal times, and during non-working hours.

Cell phone usage shall include placing and receiving telephone calls, placing and receiving/reviewing text/SMS messages, digital photography, accessing websites and

applications, including games, on a cellular telephone, along with the use of any accessory supported by the cellular telephone; for example, "air-pods" or "wireless speakers".

"Critical, quality of life activities" include activities such as communications with service or health care professionals who cannot be reached during a break or after hours, receiving/placing a call from a child's educational facility in the event of an emergency, receiving/placing calls to family members in the event of an emergency, etc.

While at work, employees are expected to exercise discretion in using personal cellphones. In general, cell phones should not be used when they could pose a security or safety risk, or when they distract from work tasks:

- Never use a cell phone while driving.
- Never use a cell phone while operating equipment.
- Do not use cell phones for surfing the internet or gaming during work hours.
- Avoid using work cell phones for personal tasks.
- Do not use personal cell phones for work tasks.
- Do not use cell phones during meetings.
- Do not use cell phones to record confidential information.
- Do not use cell phone accessories such as "air-pods", "headphones", or "wireless speakers."

We realize the cell phones can be great tools for our employees. It is permissible for employees to use cell phones when:

- Making or receiving work calls in the appropriate place and situation to do so; and,
- For other work-related communication, such as text messaging or emailing in appropriate places and situations.

Improper use of cell phones may result in disciplinary action. Continued use of cell phones at inappropriate times or in ways that distract from work may lead to having cell phone privileges revoked. Cell phone usage for illegal or dangerous activity, for purposes of harassment, or in ways that violate any other Borough policy will result in disciplinary action, up to an including termination.

Video Surveillance:

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

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a

legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with, access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) specific legitimate purpose; and (2) permission from the designee of the Borough.

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

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

Bulletin Board Policy:

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

Employee Dating Policy:

The Employer strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

Procedures.

1. During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.

2. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.

3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Employer premises, whether during working hours or not.

4. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the Employer disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

6. Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Department Head. This disclosure will enable the Employer to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

7. Where problems or potential risks are identified, the Employer will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

8. In some cases, other measures may be necessary such as transfer to other positions or departments.

9. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.

10. Continued failure to work with the Employer to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.

11. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

12. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

13. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the human resources official or other designated individual.

SECTION THREE
Paid and Unpaid Time-Off Policies

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective negotiations agreements do not cover these issues. Where an employee is subject to a collective negotiations agreement, and that agreement's content differs from these policies, the agreement shall govern.

Paid Holiday Policy:

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

The Borough reserves the right to change or delete the holidays set forth above.

This policy is not intended to conflict with the collective negotiations agreement between the Borough and its unionized employees. If there is a conflict between this Manual and any collective negotiations agreement, the provisions of the collective negotiations agreement will prevail for represented employees.

Weekend Holidays. If a paid holiday falls on a Sunday, it will be observed on the following Monday. If a paid holiday falls on a Saturday, it will be observed on the preceding Friday. Employees who work on weekends will observe the holiday on the actual day.

Eligibility for Holiday Pay. To qualify for holiday pay, employees must be in pay status the scheduled workday immediately preceding and immediately following the holiday. Any employee who is absent without Borough approval on the day before or the day after a holiday shall not receive holiday pay unless the absence was approved in advance. If a paid holiday

occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as sick or vacation time.

Religious Holidays. Employees who wish to observe religious holidays not designated as a holiday by the Borough may do so without loss of pay by using available personal or vacation days, but only to the extent that the employee has not already used up his or her available personal or vacation days.

Working on Holidays: Employees who are required to work on a day the paid holiday is observed will be paid for the holiday plus the number of hours actually worked. This provision does not apply to police dispatchers, who have had 13 holidays rolled into base pay and, therefore, will receive straight time pay only for working on a Borough holiday.

Vacation Leave Policy:

Employees whose employment with the Borough is subject to a collective negotiations agreement, shall be entitled to vacation as provided in that agreement. All other employees shall be entitled to vacation as provided herein and provided for by Section 69-16 of the Borough Code:

A. Employees in the classified service, and employees in the exempt service that may be covered by collective or individual negotiation agreements which provide for vacations, shall be entitled to the number of paid vacation days specified in such agreements.

B. Other full-time employees in the exempt service, hired after May 16, 2006, shall be entitled to paid vacations pursuant to the following schedule:

(1) During the first calendar year of employment:

(a) Employees who are hired in the month of January receive 5 vacation days after 6 months.

(b) Employees who are hired in the month of February receive 4 vacation days after 6 months.

(c) Employees who are hired in the month of March receive 3 vacation days after 6 months.

(d) Employees who are hired in the month of April receive 2 vacation days after 6 months.

(e) Employees who are hired in the months of May or June receive 1 vacation day after 6 months.

(f) Employees who are hired in the month of July through December receive no vacation for the remainder of their first calendar year as a Borough employee.

(2) In the 2nd calendar year of employment:	5 days
(3) In the 3rd through 6th calendar years of employment:	10 days
(4) In the 7th through 11th calendar years of employment:	15 days
(5) In the 12th through 16th calendar years of employment:	20 days
(6) In the 17th calendar year of employment and thereafter:	25 days

C. Employees who are eligible for an increase in vacation time shall receive the increase on January 1st of the calendar year in which they are due to receive the increase (i.e., on January 1st of an employee's 7th calendar year he/she/they shall accrue 15 vacation days for use that calendar year).

By way of example, an employee hired during calendar year 2015 would be entitled to 5 vacation days in calendar year 2016, effective, January 1, 2016; 10 vacation days in calendar years 2017-2020; 15 vacation days in calendar years 2021-2025; 20 vacation days in calendar years 2026-2030, and 25 vacation days starting calendar year 2031.

D. Unless an applicable collective negotiations agreement provides otherwise, an employee, on termination after completing at least one year of employment, shall be paid for unused vacation days accrued during the year of termination, calculated from January 1 of that year, and computed at the rate of 1/12 of the employee's yearly vacation day entitlement for each full calendar month worked during such year.

E. Unless otherwise specifically authorized by the Borough Administrator, vacation days for any one calendar year shall be taken during the calendar year or shall be lost, and vacation days shall not be accrued from year to year, nor shall an employee, on termination, be paid for any accrued and unused vacation days except for those accrued during the year of termination.

F. Vacations shall be scheduled and taken subject to and at times approved by department heads, consistent with the workloads of the departments and, subject to the foregoing, may be taken at any time during the year.

G. Employees shall submit schedules of requested vacation times for any year by not later than November 15 of the previous year, and to the extent practicable, and consistent with the provisions of Subsection F of this section, preferences for vacation times shall be based on seniority within an employee's job classification and department. Once made and approved, selection preferences for vacation times may be altered only with the

express consent of the Borough Administrator, and in no event shall such change cause a change in the scheduled vacation time of another employee unless such other employee consents thereto.

H. Paid vacation time can be used in minimum increments of one week and maximum increments of two weeks. Any other requests must be submitted to and approved by the Borough Administrator. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

I. Salary for vacation days may be paid to the employee prior to his going on vacation upon approval of the Borough Administrator.

J. Non-union employees may utilize vacation time in half day or full day increments. Union employees are governed by their respective collective negotiations agreements.

Personal Leave Policy:

Full-time Borough employees hired prior to May 16, 2006 and police dispatchers (regardless of hire date) shall be entitled to five (5) personal days per year. Full-time Borough employees hired on or after May 16, 2006 shall be entitled to three (3) personal days per year. No employee shall be entitled to any personal days until he or she has completed ninety (90) days of employment with the Borough. During an employee's first year of service, personal days accrue at the rate of one (1) day per four (4) months of service. Any unused personal days are forfeited at the end of each calendar year. Part-time employees are not entitled to personal leave days.

Non-union employees may utilize personal leave in half day or full day increments. Union employees are governed by their respective collective negotiations agreements.

Sick Leave Policy:

In accordance with the New Jersey Earned Sick Leave Law and by authorization of the Borough, sick leave with pay is provided as a benefit for all its employees. The purpose of this Policy is to provide a written description of the Borough's Sick Leave Policy.

Section 1. Definitions

"Family Member" a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent; or grandparent of an employee; or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee; or a sibling of a spouse, domestic partner, or civil union partner of the employee; or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

"Sick Leave" means an absence from work for any of the following reasons:

- For an employee's own sickness/illness, such as time needed for the diagnosis, care, or treatment of, or recovery from, an employee's own mental or physical illness or injury, including preventive care.
- For a family member's sickness/illness, such as time needed to aid or care for a family member during diagnosis, care, treatment of, or recovery from, the family member's mental or physical illness, including preventive care.
- As necessitated by the employee's or family member's status as a victim of domestic or sexual violence, if the leave is to allow the employee or family member to obtain medical or other victim services (including counseling, relocation, legal proceedings, etc.)
- Where the employee's workplace or his/her/their child's school or place of care is closed by order of a public official due to an epidemic or other public health emergency.
- For the attendance of a school-related conference, meeting or other event requested or required by a school representative of the employee's child in connection with the child's health conditions or disability.

Section 2. Sick Leave Entitlement

A. Computation and accrual of sick leave for employees whose employment is covered by a Collective Negotiations Agreement or other Contract with the Borough that covers the topic of sick leave are not subject to the computation and accrual methods defined in this policy.

B. All employees in their first year of employment are entitled to five (5) sick days, or the equivalent of forty (40) hours annually.

C. Full-time employees are entitled to ten (10) sick leave days per calendar year, after one full year of employment, or the equivalent of eighty (80) hours annually. All other employees are entitled five (5) sick days, or the equivalent of forty (40) hours annually.

Section 3. Sick Leave Accrual

Unused sick leave benefits shall accumulate from year to year, and the employee shall be permitted to use such accumulated days per the parameters of this policy. For employees hired prior to March 1, 2020, such employees shall be permitted to accrue a maximum of one-hundred fifty (150) calendar days of sick leave. Payment for accumulated sick leave for all employees hired prior to March 1, 2020, shall be capped at sixty (60) days upon retirement. Employees hired on or after May 21, 2010, will be capped at the lesser of 60 days or $15,000 upon retirement, pursuant to State Law.

For employees hired after March 1, 2020, such employees shall be entitled to accrue a maximum of ninety (90) calendar days of sick leave. Payment for accumulated sick leave for all employees hired after March 1, 2020, shall be capped at the lesser of thirty (30) days or $15,000, upon retirement.

Payment for accumulated sick leave for employees whose employment is covered by a Collective Negotiations Agreement or other Contract with the Borough that covers the topic of payment of accumulated sick leave upon retirement are not subject to terms of this policy and shall be governed by the terms of the Collective Negotiations Agreement or Contract.

Section 4. Process for Taking Sick Leave

Except in case of an emergency, an employee shall notify his or her Department Head and/or supervisors that they are experiencing an injury or illness which requires their absence from work not more than one hour after the time at which that employee was scheduled to commence work. For employees of the Department of Public Works, however, such notice shall be given one hour prior to the scheduled time for commencement of work.

The employee reporting absent shall notify their supervisor of the following;

1. Whether the employee is sick, injured or sick with family;
2. The telephone number and place of confinement where the employee can be contacted.
3. The expected duration of the sick or injury leave, if known.

Employees out on sick leave must exhaust their sick time, before they may use vacation time or personal time.

Section 5. Abuse of Sick Leave; Penalties

Abuse of sick leave shall be cause for reimbursement, denial of future leave, and disciplinary action up to and including termination. Abuse of sick leave shall include a violation of any of the policies enumerated in this policy. However, the Borough reserves the right to make a case-by-case determination based on the facts of an individual employee's abuse of sick leave as the situation may warrant.

Section 6. Leave of Absence Because of Illness or Injury.

An employee who has used all accrued sick leave, together with the additional sick leave provided by this article, and who has used all vacation days to which he or she is entitled, and who is required to be absent from work for an additional period by reason of illness or injury, may be granted a leave of absence, by the Borough Administrator, without pay, for a period not to exceed six months, which may be extended for an additional six months; provided that the granting or refusing of such leave of absence shall be a matter within the discretion of the Borough Administrator based on the quality of service performed by the employee, the length of the employee's service, the effect of such prolonged absence on Borough services, and such other matters as the Borough Administrator may deem relevant to its determination.

Sick Leave Verification Policy:

PURPOSE

Employees shall have regular and reliable attendance, and not be excessively absent or abuse sick leave. This policy will:

- Establish and provide direction in reducing the abuse of sick leave; and
- Provide supervisory personnel with monitoring procedures to effectively deal with instances of sick leave; and
- Make all employees continually aware of their responsibility to maintain a good attendance record.

POLICY

By authorization of the Borough of Dumont, sick leave with pay is provided as a benefit in recognition that employees do contract and suffer from various illnesses and injuries from time to time and that their financial resources may be diminished in such instances if pay is discontinued, and that it may not be in the best interest or health of the employee or fellow employees for them to work while sick. Employees who call out sick for their own illness or for the care of a family member are required to remain at their designated place of confinement unless authorized otherwise by the Borough Administrator or his/her designee.

The Borough of Dumont maintains Workers Compensation Insurance to protect the employees of the who suffer a job-related injury. All injuries, no matter how minor, incurred in the course of performing assigned work duties shall be reported immediately so that proper documentation is completed and treatment begins.

To ensure that a sufficient work force is available to accomplish the Borough's mission, certain procedures covering the use of sick leave and on duty injury reporting, and reporting for sick leave time off must be established.

PROCEDURES

I. DEFINITIONS:

A. Absence From Duty: The occurrence of an employee being away from his/her assigned duty, with or without permission.

B. Borough Employee – Sick / Injury Report: Official record of an employee reporting off duty, on the job injury, or tardy.

C. Absent without leave: An employee will be considered AWOL when they fail to notify his/her supervisor that s/he will be absent from his/her normal starting time.

D. Department Head: The supervisor of any department.

E. Employee: Any full-time or part-time employee of the Borough.

F. Leave: The absence from work because of illness, accident, contagious disease or necessity to care for a child, spouse or parent when s/he is ill, or attend to a child's school conference or doctor's appointment.

G. Occurrence: Any consecutive period of absence for the same reason. Per attendance monitoring, more than one (1) absence for the same reason shall count as one occurrence.

H. Pattern: Absenteeism on a recurrent basis, examples include but not limited to:

1. Repeated absence on the same day of the week or month (i.e., 1st Monday of June & 3rd Monday of June or 1st Monday in June & 1st Monday in July).
2. Repeated absence on the same date of the month (i.e., 15th of June & 15th of July).
3. Repeated absence on the same date of the year (i.e., employee's wedding anniversary).
4. Absent following or preceding scheduled days off.

I. Responsible Management Supervisor: The Administrator or the Department Head.

J. Tardiness: An employee will be considered tardy when s/he reports for duty or an assignment after the scheduled starting time.

K. Unavailable for Duty: The period of time that an employee is not at work on his/her assigned schedule for the following reasons: Vacation, Military Duty, Suspension, Leave of Absence, Personal, Bereavement, Union Business, Excused without pay, Compensatory Time, and Medically Excused.

L. Place of Confinement: The place where the employee shall remain and be available for contact during the duration of the time absent from work. This will usually be the employee's residence with the exceptions listed in this Policy.

II. ADMINISTRATION:

A. An attendance record will be made out for each employee at the beginning of the calendar year. Accurate, up-to-date work/time records will be maintained for each employee under the jurisdiction of the Borough. Entries for all absences will be made a part of the employee's attendance record.

B. Borough Administration will accurately post all necessary information on the attendance record and will be responsible for maintaining complete and accurate records for all employees. Both the Responsible Management Supervisor and the employee will acknowledge any and all notations on the Attendance Record by properly affixing his/her signature in the appropriate area. Should the employee refuse to sign the form, a notation indicating such will be placed on the attendance record. Such a refusal will be witnessed and initialed by another department employee. Employees can review their attendance record by submitting a written request to their supervisor who shall contact the Administrator.

III. EXCESSIVE ABSENTEEISM:

A. All employees are expected to report to work when scheduled. This policy is intended to prohibit excessive absence from work and excessive use of sick leave. Excessive use of sick leave is defined as long periods of absenteeism or the utilization of many sick days based on illness, injury or otherwise by the employee or family member that can be medically verified.

B. Excessive use of sick leave may be cause for disciplinary action.

C. Standard: Average Borough absence(s) + twenty (20%) percent (always rounded up)

- For example: 40 Employees of the Borough were absent 150 occurrences
- 150 days / 40 Employees = 3.7 occurrences = Average, rounded to 4 occurrences + 1 occurrence = 5 occurrences. In this example any personnel above five (5) occurrences may be in violation of this policy.
- (The numbers of sick occurrences in this formula are for explanatory purposes only)

IV. ABUSE OF SICK TIME:

A. It is the intent of this policy to maintain and verify sick leave. An employee will be considered to be abusing sick leave when s/he exhibits a pattern of use of sick days or the use of sick days which cannot be verified in accordance with this policy.

B. The abuse of sick leave may be cause for disciplinary action.

V. REPORTING ABSENCES:

A. An employee unable, unready or unwilling to report to duty for any reason shall notify his/her supervisor at least one (1) hour before their scheduled start time.

B. After reporting the absence to the supervisor, the supervisor will notify Borough Administration who shall record the subject information.

C. The employee reporting absent shall notify their supervisor of the following;
   1. Whether the employee is sick, injured or sick with family;
   2. The telephone number and place of confinement where the employee can be contacted.
   3. The expected duration of the sick or injury leave, if known.

VI. VERIFICATION OF SICK LEAVE:

A. When an employee calls out sick or injury leave, the employer may require/direct that the employee be examined by a license physician of the employer's choice and at the employer's sole cost and expense, whenever such requirement appears reasonable.

B. When an employee is out on sick leave or out on worker's compensation, the employee shall be confined to their home and may not leave during their scheduled work days and work hours except as provided for in this policy. If an employee's place of confinement is elsewhere, the employee must notify the Administrator and receive permission to be confined other than the employee's principal place of residence as per Section XII. The employee shall provide a telephone number where he/she can be reached at that location. The employer shall be permitted to contact employees via telephone during their regularly scheduled shifts to verify confinement or visit the employee's place of confinement or both at the Borough's discretion. The employer will not contact the employee during hours that the employee is not regularly scheduled to work. If the employee is unable to accept the employer's call or answer the door, the employee must return the call with two (2) hours to the supervisor making the verification and explain why the confinement check was not confirmed. Employees may be subject to discipline for missed checks.

   1. All telephone contacts shall be documented on the Borough Employee – Sick/Injury Report.
   2. An answering machine or third-party will not be accepted for purposes of verification.
   3. Failure to return verification phone calls may result in a violation of this policy.

4. If a third-party answers the phone or door, the employee shall come to the phone or door to verify his/her location.
5. An employee shall notify their supervisor if leaving the place of confinement during scheduled working hours.
6. Verification call shall be made from a recorded phone line at the Borough, if possible.
7. Employees who receive verifications calls must be at their documented place of confinement. Employees can not have any calls forwarded to a different phone and / or different location other than the documented place of confinement.

C. All Sick/Injury leave calls or visits shall be completed no later than 00:00 (Mid-night) and no earlier than 06:00, unless the supervisor has reason to believe the employee is not at the residence or place of confinement, or due to exigent circumstances.

D. The verification policy applies to all personnel of the Borough.

E. In the case of sick leave for a family member, school conferences or doctor's appointment for a child, reasonable proof may be required.

F. If the employer requires/directs an employee to be examined by a licensed physician and the employer's designated physician indicates that the employee is able to return to work, but the employee's physician states he/she is not able to return, the employee will return to work and the matter may be submitted to a third physician which is mutually selected by the parties. The decision of the third physician shall be binding on both parties. The cost of the physician shall be split.

VII. LEAVING PLACE OF CONFINEMENT:

A. If an employee is absent for reasons that entitle the employee to sick leave or an employee is on worker's compensation leave because of an injury or illness sustained during his/her employment, the employee shall remain at his/her place of confinement during the period in which s/he is scheduled to work for the day(s) in question, with the following exceptions:
1. To report for medical attention, physician's office, hospital, or pharmacy
2. To attend a family emergency when contact is first made and only after approval is granted by the employee's supervisor or his designee.
3. To engage in the exercise of his/her right to vote.
4. To engage in the exercise of his/her right to attend religious services.
5. Other examples shall be:

a. Picking up the employee's children from school or taking a child to a doctor's appointment.

B. Whenever an employee utilizes an exception listed above, the employee shall contact the employee's supervisor providing the time of departure and reason for the departure. The employee shall contact supervisor again at the time of his/her return. The supervisor shall document the departure of the employee from their residence or place of confinement and where the employee is going. When the employee returns to their residence the supervisor shall document the return of the employee. The documentation shall be forwarded to Borough Administration for filing.

VIII. TARDINESS AND/OR FAILURE TO REPORT TO WORK:

A. Employees may be subject to discipline for being tardy or for failure to report to work when scheduled if:

1. Prior permission has not been received from the supervisor.
   a. Prior permission must be documented by the supervisor prior to the start of duty which shall include the reason for the tardiness.
   b. Upon arrival to work, the employee shall complete an Official Report explaining his/her reason for being tardy.

2. The cause of tardiness was not beyond the control of the employee.

IX. MEDICAL DOCUMENTATION:

A. Employees absent under the below circumstances may be required to provide a physician's certificate to the Borough Administrator for such absence:

1. An employee who is absent on sick leave and exceeds the maximum allotted consecutive sick days past that employee's contract shall furnish a doctor's note as agreed in that union contract.
2. On the day an employee has been "ordered" to work.
3. For every day an employee exceeds contractual allotted amount in a calendar year.
4. For the employee's birthday.
5. For contractual holidays, but when employee is required to work.
6. Pattern days.
7. If the employee calls out sick on a day that had been requested off and that day had been denied.

B. The physician's certificate shall reflect the date of examination as the same date as the employee's day of absence. Only an "original"

physician's certificate will be accepted; therefore, no facsimiles or copies will be accepted.

C. Failure to provide documentation upon request will result in, at minimum, a denial of sick leave payment.

D. The employer may require an employee who has been absent because of personal illness, as a condition to his/her return to work, to be examined by a physician at the expense of the employer. Such examination shall establish whether the employee is capable of performing his/her normal duties and his/her return will not jeopardize the health of himself/herself or of the other employees.

E. The employer may verify sick leave usage at any time and require the employee to be examined by a physician at the cost of the employer on the day the employee reports out sick.

XI. CONFIDENTIALITY:

A. All written information including information provided by the employee regarding his/her illness, injury or otherwise, and information provided by any physician and request for use of sick leave, shall be confidential and maintained as such.

B. Any supervisor receiving information regarding an employee injury or illness shall not reveal the information to any unauthorized person.

C. Any employee presenting written notice from a health care professional regarding any absence from duty shall place the notice in a sealed envelope and present it to their supervisor who shall provide it to the Administrator. The Administrator shall maintain all confidential medical information on employees.

XII. EXCEPTIONS:

A. The verification and confinement portion of this policy do not apply to:
   1. Approved use of F.M.L.A./F.L.A.
   2. Approved use of terminal leave.
   3. Approved use of military leave.
   4. Approved use of leave of absence without pay.

B. Any employee seeking to have the requirements of verification and confinement waived may submit a letter detailing the reason(s) for the waiver to the Borough Administrator.

XIII. VIOLATIONS:

A. The Borough Administrator or his/her designee shall investigate suspected violations thoroughly, accurately, and completely. Suspected violations include, but shall not be limited to:
    1. An employee is excessively absent.
    2. An employee fails to comply with this Policy.
    3. An employee exhibits a pattern of sick leave use.
    4. An employee is absent without leave.

B. Sustained violations shall result in disciplinary action by way of progressive discipline unless the sustained violation is egregious or in violation of public policy.

C. Any violation of this policy may result in the denial of the use of sick leave, at a minimum.

Donated Sick Leave Policy:

Policy:

It is the policy of the Borough to permit employees to donate unused sick leave to other employees under certain circumstances, in accordance with this policy and with the approval of the Borough Administrator.

Procedure:

(a) A Borough employee may be eligible to receive donated sick leave if the employee:

1. Has completed at least one (1) year of continuous service with the Borough;
2. Has exhausted all accrued sick, vacation, personal and administrative leave as well as all compensatory time off;
3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. Either:
    i. Suffers from a catastrophic health condition or injury; or
    ii. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

(b) For purposes of this section, a "catastrophic health condition or injury" shall be defined as either:

1. A life-threatening condition or combination of conditions; or
2. A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a

medical verification of the need for the employee's absence from work for 60 or more workdays.

(c) A Borough employee must seek approval of his or her participation in the program as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

1. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the Borough Administrator medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
2. When the Borough Administrator has approved an employee as a leave recipient, the Borough Administrator, or his/her designee, shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to the union representatives in the employee's bargaining unit (if any).
3. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

(d) A leave recipient must receive at least five (5) sick days from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days and may not donate more than 30 such days to any one recipient.

1. A leave recipient shall receive no more than 260 sick days, and shall not receive any such days on a retroactive basis.
2. A leave donor shall have remaining at least 20 days of accrued sick leave after donating sick leave.
3. A leave donor shall not revoke the leave donation.

(e) While using donated sick leave time, the leave recipient shall not accrue sick, vacation or personal leave for the period of their absence.

1. Any unused donated sick leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work or at such other time as the leave recipient no longer needs donated time, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.
2. Upon retirement or separation from service with the Borough, the leave recipient shall not be granted supplemental compensation for any unused sick days which he or she had received through the leave donation program.

(f) An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall

include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

(g) **All completed applications must be submitted to the Borough Administrator**. The application, including forms, is available at the Office of the Borough Administrator.

Bereavement Leave Policy:

Employees hired prior to May 16, 2006 are entitled to five (5) consecutive bereavement days per year for each death of the employee's immediate relative. Employees hired after May 16, 2006 are entitled to three (3) consecutive bereavement days per year for each death of the employee's immediate relative. "Immediate relative" includes spouse or significant other, domestic partner, minor/disabled/adopted child, legal ward, foster child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, in-laws, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are paid for all working days during the Bereavement Leave. Employees who wish to attend the funeral of other relatives, friends, acquaintances and/or associates must request vacation, personal or compensatory time off which is subject to the final determination of the Borough Administrator or designee.

Jury Duty Policy:

When an employee is called for jury duty and for the duration of such service, the employee shall be entitled to a temporary leave with pay provided that:

• The employee submits a written request with a copy of the summons to his or her Department Head within three (3) business days after receipt of the summons;

• The employee inquires about the anticipated length of service and informs his or her Department Head of the expected duration in advance of accepting service;

• The employee notifies his or her Department Head as soon as possible if the length of jury duty has been extended beyond the original return date;

• The employee communicates with their Department Head to determine when they will report to work at such time as his or her presence as a juror is not required;

• The employee provides his or her Department Head with an appropriate certification or order from the assignment judge, clerk of the court or such other officer as shall be appropriate setting forth the period of such jury duty service to be attached to the weekly time sheet; and

• The employee reimburses the Employer for any payments or fees received as a result of such jury service less any meal or travel expenses.

The Employer will reassign shift workers to the day shift during jury duty leave.

Witness Duty Leave of Absence. The Employer is aware that employees may be subpoenaed to appear as witnesses in trials before the court. The Employer will provide employees with a paid leave of absence for matters stemming from their employment. For personal matters, employees will use available personal days or vacation days.

Leave of Absence Policy:

Leave with or without pay, for illness or injury, may be granted to full-time and part-time employees by the Borough Administrator.

If leave is requested for non FMLA (Family and Medical Leave Act)/NJFLA (New Jersey Family Leave Act)-qualifying reasons, such leave, except for military leave, shall not be longer than six (6) months. Employees will be required to use available sick time, vacation, or personal time to cover the absence. The Administrator may extend such leave for an additional six (6) months or a portion thereof for cause. If an employee has exhausted all paid time, any additional leave requested shall be without pay.

If leave requested for FMLA/NJFLA-qualifying reasons, a leave of absence up to months (9) months may be approved, in addition to an employee's three (3) month FMLA/NJFLA leave, for a cumulative total of twelve (12) months. Employees will be required to use available sick time, vacation, or personal time to cover the absence. Worker's compensation injury or illness leave will not extend the twelve (12) month duration on a leave of absence. If an employee has exhausted all paid time, any additional leave requested shall be without pay.

Health Benefits will continue for employees on a leave with pay and contributions to benefits will continue to be withheld by the Borough in accordance with its normal payroll procedures.

For employees who exhaust paid time off, in accordance with State Health Benefits Plan regulations, health benefits of the employee and the employee's dependents may be continued by the employee, following exhaustion of FMLA/NJFLA-qualifying leave, provided that the employee shall pay in advance the total cost required for the employee's coverage and coverage of the employee's dependents during such period of authorized leave of absence without pay. The period of coverage shall not exceed twelve (12) months.

Written requests for a leave must be initiated by the employee and submitted to their supervisor and approved by the Administrator. Employees are required to notify their supervisor of their anticipated return date as soon as such date is known to the employee. Failure to return on such date without notice shall be considered a resignation.

The Borough shall have the sole discretion in matters of leaves of absences, and each decision made shall be on its own merits.

A personal leave or leave of absence is granted with the understanding that the employee intends to return to work for the Borough. Personal leaves or leaves of absence are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time.

Employees on an unpaid personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Borough Health Benefits Policy.

The Borough's leave of absence policy provides leave benefits above and beyond those afforded to employees by State and Federal Law. The Borough will comply with all applicable State and Federal leave laws, including USERRA (Uniformed Service Employment and Reemployment Rights Act), the FMLA, the NJFLA and the NJSAFE (New Jersey Security and Financial Empowerment) Act.

Family and Medical Leave Act Policy:

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

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

- The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;

- A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or

- A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee's inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);

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

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Service member shall be entitled to a total of twenty-six (26) workweeks of unpaid

leave during a single twelve (12) month period to care for the Covered Service member. During this single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Service member shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

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

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

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

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

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

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

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

Leave to care for a child after birth, adoption, or foster care must conclude within twelve (12) months of the child's birth or placement. If both spouses work for the Employer, they may only

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

Notice. When the leave is foreseeable, at least thirty (30) days' advance notice to the Employer, in writing, is required. If thirty (30) days' notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

Certification. Where leave is taken to care for a family member with a serious health condition or because of the employee's own serious health condition, medical certification is required and periodic recertification may be required. In addition, where the leave is taken because of the employee's own serious health condition, a certification of fitness to return to work will be required.

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

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

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

Failure to provide requested documentation may result in denial of leave. The Employer may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the Employer may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

Utilization of Paid Leave. Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with

the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time.

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

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

Employment and Benefits Protection. During the leave, health benefits will continue for up to twelve (12) weeks in each rolling twelve (12) month period under the same conditions as if the employee continued to work. Employees must, however, pay the same amount for any benefits continued as they do prior to the leave. Other benefits, if any, will continue during the leave under the same conditions as if the employee continued to work.

If paid leave is substituted for unpaid FMLA leave, the Employer will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee must pay his/her/their portion of the premium in accordance with a payment method that is devised and mutually agreed upon between the employee and the Employer.

Employees should consult with their Department Head and human resources official prior to taking an approved leave. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums. With regard to the employee's contribution portion of his/her/their health benefits pursuant to Chapter 78, P.L 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the Employer or for any voluntary benefits, to the respective insurance company. Your healthcare coverage may cease if your premium payment is more than thirty (30) days late. With regard to any pension contribution that you may have, you must contact the human resources official to make payment arrangements concerning contributions or credits paid toward your pension benefits. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee's own serious health condition, the employee will be required to

present a fitness for duty certification from his/her/their health care provider that he/she/they is medically able to resume work. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Employer within two (2) business days of the change.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits and other terms of employment. Individuals identified as "key employees" (the highest paid 10% of salaried employees at the work site or within a seventy-five (75) mile radius of that work site) at the beginning of their leave may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the Employer. Employees will be informed of their key employee status at the beginning of the leave period.

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

Family Temporary Disability. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks, effective July 2020 of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves. To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the last fifty-two (52) weeks or earned one thousand (1000) times the minimum wage. As of July 1, 2020, claimants are paid 85% of their average weekly wage, and the maximum weekly benefit increases to $881 per week (this amount is subject to change).

Relevant Forms: See Section Six of this Manual: "Application for Family and/or Medical Leave (FMLA) and/or New Jersey Family Leave (NJFLA)" and "Return to Work Medical Certification" Forms.

New Jersey Family Leave:

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

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

Qualifying Reasons for Leave. An employee may take NJFLA leave to care for:

- A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.

- A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.

Leave taken for reasons above must be consecutive and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

An employee may also take NJFLA leave:

- In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which: (a) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency; (b) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or (c) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

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

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

• As a single block of time.

• By reducing your normal weekly, [but not daily,] work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.

• Intermittently in increments lasting at least one week, but less than twelve (12) weeks in a consecutive twelve (12) month period, when medically necessary.

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

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

You may also take NFLA leave intermittently:

• in connection with the birth or placement of a child for adoption or foster care, however, such intermittent leave must be scheduled so as not to unduly disrupt operations, and if possible, prior to the commencement of the intermittent leave, the employee must provide the Borough with a regular schedule of the days or days of the weeks on which intermittent leave will be taken for this purpose.

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

Required Notice and Certifications. When requesting NJFLA leave, an employee must provide the Employer thirty (30) days' advance written notice. If advance written notice is not possible because of an emergency, the employee must provide the Employer with reasonable oral notice and then follow up with written notice.

An employee must provide fifteen (15) days' notice of intermittent NJFLA leave, unless an emergency or other unforeseen circumstances precludes prior notice.

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

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

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

With regard to any pension contributions, the employee must contact the human resources official to make payment arrangements concerning contributions or credits paid toward his/her/their pension benefits. Employees should consult with the Employer prior to taking an approved leave.

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

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

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

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

• At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.

• In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.

• At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

Relevant Forms: See Section Six of this Manual: "Application for Family and/or Medical Leave (FMLA) and/or New Jersey Family Leave (NJFLA)" and "Return to Work Medical Certification" Forms.

The New Jersey Security and Financial Empowerment (NJSAFE) 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. It is the policy of the Borough to allow leave in compliance with the requirements of the NJ SAFE Act.

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. 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 family member (including child (regardless of age), parent, parent-in-law, spouse, civil union or domestic partner, sibling, grandparent, grandchild, or any individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) is a victim of domestic violence or a sexually violent offense.

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.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. NJ SAFE Act leave may be taken intermittently in intervals of no less than one day. Although each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to leave, an employee is not entitled to more than twenty (20) days of combined NJ SAFE leave in any twelve (12) month period.

If the employee requests leave for a reason covered by both the NJ SAFE Act and the New Jersey Family Leave Act, N.J.S.A. 34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law to the maximum extent permitted by law.

NJ SAFE leave will be unpaid unless the employee is receiving New Jersey Family Temporary Disability Insurance benefits ("NJFTDI") or the employee has applicable earned paid time off and affirmatively elects to utilize such applicable earned paid time off concurrently with NJ SAFE leave. An employee will not be required to use their accrued paid leave while on NJ Safe leave, although the employee may elect to do so. Once NJFTDI benefits and applicable paid time off the employee elects to use is exhausted, or where the employee does not receive NJFTDI benefits or affirmatively request to utilize accrued paid time off, the NJ Safe leave will be unpaid. Additional information about NJFTDI benefits is available from the State of New Jersey Department of Labor and Workforce Development Division of Temporary Disability Insurance or online at https://myleavebenefits.nj.gov/worker/fli/

During NJ SAFE leave, the employee's health insurance coverage will be maintained under the same terms and conditions as if the employee had continued to work.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the Borough Administrator with written notice of the need for the leave. The employee must provide the written notice as far in advance as reasonable and practicable under the circumstances. The Borough has the right to require the employee to provide documentation of the domestic violence or sexually violent offense that is the basis for the leave. The Borough shall retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule, regulation or court order.

There shall be no retaliation against any employee for exercising his/her/their rights under the NJ SAFE Act and/or for requesting or taking leave and no interference with NJ SAFE Act rights.

Likewise, an employee may not be terminated, harassed, threatened, or otherwise discriminated against or retaliated against with respect to compensation, terms, conditions, or privileges of employment because the employee has requested or received NJFTDI benefits, including retaliation by refusing to restore the employee following a period of leave. Any such concerns should be immediately reported under the Complaint Procedure.

Any questions regarding this policy or NJ SAFE Act leave should be directed to Borough Administrator.

DOMESTIC VIOLENCE POLICY:

Pursuant to N.J.S.A. 11A:2-6a, all public employers are required to adopt a form of Domestic Violence Policy in order to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers. The designated human resources officers will also be trained as to how to appropriately respond.

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

a) 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.

b) 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.

c) 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. The HRO for the Borough is in the first instance the Borough Administrator and if the Borough Administrator is unavailable, the Borough Clerk.

d) 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.

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

f) 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.

g) 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 municipal employees, including temporary and seasonal employees, interns, and volunteers are covered under this policy.

DESIGNATED HUMAN RESOURCES OFFICER

The HRO is designated to assist employees who are victims of domestic violence. The HRO will receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

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

of domestic violence. By distribution of this policy, all employees will be notified that the HRO is the designated contact under this policy.

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 the HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the 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 HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. The HRO will 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 the appropriate Employee Assistance Program 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 8of this policy.

E. In cases where domestic violence involved a sexual touching or sexual assault between municipal employees, volunteers, and/or interns, to the extent appropriate, the matter shall be investigated pursuant to applicable municipal policies and Policy 1.11.

F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team.

G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.

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 must be kept in a separate confidential personnel file.

Military Leave Policy:

The Employer provides military leave in accordance with applicable State and Federal law. In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head with a certificate verifying the call to military duty prior to beginning the military leave.

Organized Militia. Any permanent or full-time temporary officer or employee, who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled to a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, up to thirty (30) work days in any calendar year. A military leave of absence is in addition to the employees' regular vacation or other accrued leave.

Any leave of absence for such duty in excess of thirty (30) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

New Jersey Organized Militia. New Jersey's organized militia consists of the National Guard (Army and Air), the Naval Militia, and the State Guard. Any permanent or full-time officer or employee who is a member of the New Jersey organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence without loss of pay or time on all days during which he or she shall be engaged in State or Federal active duty, up to ninety (90) work days in any calendar year.

Any leave of absence for such duty in excess of ninety (90) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

Reinstatement. To be reinstated by the Employer without loss of privileges or seniority, the employee must report for duty with the Employer within the time required by law following release from active duty under honorable circumstances.

In accordance with legal requirement, employees who take military leave are required to:

- Provide the Employer with proper notice of the leave;

- Apply for reinstatement within the time required by law;

• Have a creditable military record including completion of all required training and fulltime service and be discharged under honorable conditions.

On return from a military leave of absence, the employee will be reinstated as required by law. See The Uniformed Services Employment and Reemployment Act ("USERRA"). Failure to comply with the requirement enumerated above or as required by law will jeopardize an employee's reemployment rights

Modified Duty Policy:

Modified duty implies that the affected employee cannot physically fulfill the essential functions of his or her regular full-time position. Modified duty is a type of assignment that would preclude an employee from aggravating an existing injury or illness. This duty status forbids an employee from working in any capacity other than modified duty for as long as medically necessary up to one year. Modified duty is only available to those employees who are determined to have a temporary disability or physical restriction as a result of injury or illness, and is not intended for employees who have a permanent disability. Modified duty is only appropriate as a transition mechanism to full duty. Modified duty is not available to part-time or temporary employees.

Purpose

The purpose of this policy is to set forth a method by which an employee may be placed on modified duty, providing the employee other duties and responsibilities to enable him or her to continue employment without exacerbating or prolonging a temporary disability, illness or physical restriction. The implementation of a modified duty policy is not for the purpose of creating a position to provide reasonable accommodations; but for the sole purpose of establishing a temporary assignment that will benefit both the employee and the Borough. This policy in no way affects the privileges of employees under the provisions of the Family and Medical Leave Act ("FMLA"; 29 U.S.C. 2601, et seq.), Fair Labor Standards Act of 1938 ("FLSA"; 29 U.S.C. 201,et seq.), the Americans with Disabilities Act ("ADA"; 42 U.S.C. § 12101), or any other federal or state law.

Application

Modified duty applies to all Borough personnel who are either injured while on duty, injured or become disabled in an off-duty incident, or become ill rendering them incapable of performing the essential functions of their regular full-time position. However, modified duty assignments will be approved on a first come, first serve basis and employees who with job related injuries or illnesses shall take priority over employees with injuries and illnesses that are not job related. Since there are no permanent modified duty positions available within the Borough, the assignment of modified duty will remain at the discretion of management, who will take into consideration the extent of restrictions placed upon the employee and the needs of the Borough at any point in time and the availability of excess work within the Borough.

Procedure for Commencement and Cessation of Modified Duty Assignments

A. Evaluation Criteria

1. No modified duty assignment shall be approved or ordered unless the following conditions exist:

    a. For job related injuries or illnesses, a statement of endorsement of a physician designated by the Borough and/or the Borough's Insurance Carrier must be obtained. For non-job related injuries or illnesses, a statement of endorsement of the employee's physician must be obtained.

        i. The statement of endorsement must contain the following:

            - Estimate as to a specific date of recovery from the illness or injury to the extent the employee may be returned to full duty, which can be adjusted based upon accelerated rehabilitation or recovery or a prolonged period due to aggravating circumstances.

            - Determination as to what type of work the employee is permitted to perform: Sedentary, Light or Medium work.

2. To obtain initial approval, the employee shall initiate the request by submitting all required documentation to the Borough Administrator, with a copy to their immediate supervisor (Department Head).

3. Approval for short term (less than 6 months) modified duty assignments shall be determined on a case-by-case basis by the Borough Administrator, in consultation with the Department Head, based on the needs of the Department under which the employee is employed, the abilities of the employee and the availability of work.

4. Approval for long term (exceeding 6 months) modified duty assignments will require the approval of the Mayor and Council. The Borough Administrator and Department Head shall be responsible for presenting the employee's application to the Mayor and Council. All notices required pursuant to N.J.S.A. 10:4-12(b)(8) and in accordance with Rice v. Union County Reg'l High Sch. Bd. of Educ., 155 N.J. Super. 64 (App. Div. 1977), shall be served upon the employee requesting the modified duty assignment.

5. Initial approval of a modified duty assignment does not guarantee that the assignment will remain available until the employee is cleared to return to their regular assignment.

B. Re-Evaluation/Return to Full Duty

1. Employees assigned to modified duty shall be re-evaluated every two (2) weeks. In the case of employees injured on duty, such reevaluation shall be performed by the physician designated by the Borough and/or the Borough's Insurance Carrier, or in the case of non-job related injuries or illnesses, the employee's physician. In either case, the status of any re-evaluation shall be provided to the Borough Administrator.

2. No employee shall return to full duty from modified duty status without written approval from the physician designated by the Borough and/or the Borough's Insurance Carrier (in the case of on-duty injuries) or in the case of non-job related injuries or illnesses, a written statement of the employee's physician.

3. If an employee is unable to return to full duty status at the conclusion of one (1) year, they may be required to opt for temporary or permanent disability as provided by law and existing collective negotiations agreement(s).

C. Administration of Modified Duty Assignments

1. Employees who are approved for modified duty assignments shall receive day to day supervision from their Department Head (or designee of the Department Head). The Department Head shall be responsible for ensuring that the employee is working in accordance with the endorsements of the physician who initially endorsed the modified duty assignment and not exceeding any restrictions placed on them by said physician.

2. Employees assigned to modified duty are responsible to abide by the directives of their primary care physician as it pertains to the injury, illness or other circumstances that caused them to be placed on modified duty. At no time should an employee assigned to modified duty engage in any activity, whatsoever, which may compromise his/her/their recovery in anyway. Supervisors responsible for supervising employees on modified duty shall exercise extreme vigilance to prevent an employee, so assigned, from compromising his or her recovery process. Any employee ordered to take any action which may compromise his or her recovery should immediately bring the issue to the attention of the supervisor giving the order.

3. Other than those employed by the Department of Public Works, employees on modified duty shall report to work from the hours of 8 A.M. to 4 P.M. with a one (1) hour lunch break, along with two, fifteen (15) minute breaks – one during the morning hours and one during the afternoon hours. Employees employed by the Department of Public Works, who are on modified duty, shall report to work from the hours of 7 A.M. to 3:30 P.M. with a 15 minute break in the morning and a 45 minute lunch break.

4. Employees assigned to modified duty shall not be scheduled for any hours that would cause them to incur overtime expenses, nor should any employee be

permitted for any reason to work overtime hours during a period of modified duty. For police employees, no accrual of SAD time or compensatory time shall occur. For Department of Public Works employees, no accrual of compensatory time shall occur. The Borough shall have the right to adjust the accrual of SAD time (granted to account for the differential between a 12 hour and 8 hour day) for employees who remain on modified duty for a lesser period than one year or who receive their full complement of SAD time at the beginning of a year and are approved thereafter, for modified duty.

5. Employees assigned to modified duty shall not be permitted to work extra-duty assignments for the Borough or for any third party.

MEDICAL APPOINTMENTS/ OTHER SCHEDULED LEAVE/ SICK TIME/ HOLIDAYS

A. In order to help facilitate the recovery of employees assigned to modified duty, the Borough may grant time off for medical appointments, physical therapy, and other needs which may arise related to recovery from their injury/illness.

B. For employees who suffered on-duty injuries or illnesses, the employee shall be permitted to attend medical appointments during the work day as ordered by the physician designated by the Borough and/or the Borough's Insurance Carrier. However, if the medical appointment is a recurring appointment (i.e. occurs every day, at the same time or at some other regular frequency) and would take the employee away from their duties for more than a 1 hour period each time the appointment is scheduled, all efforts shall be made to schedule the appointment outside of work hours (i.e. before work or after work).

C. For employees who suffered off-duty injuries or illnesses, the employee shall be permitted to attend sporadically scheduled medical appointments during the work day not exceeding 1 hour in duration. All recurring appointments (i.e. occurs every day at the same time or at some other regular frequency) lasting more than 1 hour in duration shall be scheduled outside of work hours. In the event, such recurring appointments cannot be scheduled outside of work hours, the employee shall provide written justification from the medical provider as to the inability to attend such appointments outside of work hours.

D. In the event that the employee cannot schedule a recurring appointment for outside of work hours, the Borough maintains the authority to modify the employee's schedule (i.e. change start/end times) to accommodate the recurring appointment.

E. The employee bears responsibility for informing their Department Heads in advance of any required appointments. The employee shall provide at least twenty-four (24) hours notice to the Department Head for any such appointment.

F. Employees on modified duty shall be entitled to all forms of leave they would be entitled to if they were not on modified duty, such as vacation, sick, bereavement etc. All leave, however shall be taken in conformity with existing Borough rules and regulations whether promulgated by the Borough or applicable collective negotiations agreement.

SECTION FOUR
Compensation & Employee Benefits Policies

Scope:

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

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two (2) weeks.

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

Compensation:

The Employer will pay its employees in accordance with the provisions of applicable collective negotiations agreements, ordinances, and in compliance with the Fair Labor Standards Act ("FLSA") and the New Jersey Wage and Hour Law.

No paychecks may be issued in advance of the normal payday, except if approved by the Department Head and Borough Administrator for special reasons, such as an upcoming vacation.

Employees must cash their paychecks on personal time, not during official Employer working hours. Compensation for all employees will be in concert with the recognized bargaining agents of the employees, where applicable.

Employees are not entitled to retroactive pay increases if an employee separates employment, voluntarily or involuntarily, from the employ of the Employer prior to the retroactive payment, unless otherwise stated in the applicable collective negotiations agreement.

Overtime Compensation Policy:

The Employer complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act.

Under the Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds $100,000 per year depending upon their job duties. The Borough Administrator shall notify all Exempt employees of their status under the Act. Exempt employees such as Department Heads are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large

amounts of additional hours may be provided with the Borough Administrator's prior approval and at the sole discretion of the Borough Administrator.

Depending on work needs, employees may be required to work overtime. Employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Borough Administrator. Employees working overtime without prior approval will be subject to disciplinary action.

Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over forty (40) in a workweek. Employees may choose overtime compensation in the form of overtime pay or compensatory time off. The maximum number of hours that an employee may accrue for future compensatory time off is 240 hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Employees engaged in police and fire protection work may accrue up to 480 hours of compensatory time.

Accrued and taken overtime compensatory hours must be appropriately recorded by the employee. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

Timesheets:

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

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

Payment for Accumulated Absence:

To the extent that a local ordinance, collective negotiations agreement, or an agreement provides for the payment of compensation for pay while absent from work, the Borough shall only make such payment if the Chief Financial Officer or Borough Administrator certifies that such amount is due and that proper documentation establishing the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation includes:

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

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

Changing Vital Information:

It is the responsibility of each employee to notify the human resources official and the payroll office promptly, in writing, of any changes of vital information including but not limited to:

Name
Address
Telephone Number
Marital Status
Dependent Children
Change in status for health care programs
Change in status for dental coverage
Change of beneficiary on pension or life insurance policies
Change in tax status for tax withholding purposes
Persons to notify in case of emergency

Changes may be accomplished by completing and filing an Employee Information Change Form with the human resources official and by completing the necessary insurance and pension forms with the payroll office. When necessary, the payroll office will provide the employee with additional proper forms to change beneficiary, income tax deductions, etc.

Relevant Forms: See Section Six of this Manual: "Employee Information Change Form."

Health Insurance Policy:

PLEASE NOTE: FULL DETAILS OF EMPLOYEE'S HEALTH, MEDICAL AND HOSPITALIZATION PLANS CAN BE FOUND IN THE OFFICIAL INSURANCE PLAN DOCUMENTS. IF THERE IS ANY CONFLICT OR INCONSISTENCY BETWEEN THE INFORMATION IN THE POLICY AND PROCEDURES MANUAL AND THE OFFICIAL DOCUMENTS, THE OFFICIAL DOCUMENTS WILL GOVERN. THE EMPLOYER RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE IN ACCORDANCE WITH APPLICABLE LAW. THE EMPLOYER ALSO RESERVES THE RIGHT TO CHANGE INSURANCE CARRIERS IN ACCORDANCE WITH APPLICABLE LAW.

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

employer-provided health insurance. The Employer reserves the right to conduct a coverage audit to verify proper coverage for employees and eligible dependents.

Dependent Defined. The Employer defines "dependents" as used in this policy as it is defined under the State Health Benefits Program. Dependents means an employee's spouse and the employee's unmarried children under the age of twenty-six (26) years who live with the employee in a regular parent-child relationship.

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

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

Medical/Hospitalization Coverage. The Employer provides major medical and hospitalization insurance for the employee and for the employee's eligible dependents.

Full-time employees working on average thirty (30) hours per week or more and, if applicable, their eligible dependents become eligible to participate in the Employer's major medical and hospitalization insurance plans in accordance with current health plan documents.

Payments of such premiums by the Employer will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Prescription Drug Coverage. Prescription drug benefits are governed by the contracts with various providers and various collective negotiations agreements. For those employees not covered by a collective negotiations agreement, the complete benefit plan and manual is on file in the Payroll office and a Summary Plan Description will be provided to all full-time employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Borough. Prescription Drug benefits are provided to full-time Borough employees only.

Payments of such premiums by the Employer will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Optical Reimbursement. Full-time employees of the Borough are eligible to receive reimbursement of up to $100 in connection with the cost of eyeglasses and/or an eye examination by a licensed optometrist or ophthalmologist. In order to receive reimbursement, the employee must present the receipt to the Borough Administrator within thirty (30) days of incurring the cost for which reimbursement is sought. Employees are only entitled to receive this

reimbursement once in each calendar year. Reimbursement pursuant to this section shall be issued via a separate check.

Dental Coverage. Full-time employees (who have been employed for more than sixty (60) days and, if applicable, their eligible dependents become eligible to participate in the Employer's dental plan in accordance with current plan documents. All full-time employees, and, if applicable, their eligible dependents, shall be eligible for enrollment in the Employer's dental plan in accordance with the specific requirements of the insurance plan carried by the Employer.

The Employer provides dental insurance for the employee. Unionized employees receive dental coverage in accordance with applicable collective negotiations agreements. The Employer may provide dental coverage for the employee's eligible dependents.

Payments of such premiums by the Employer will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Full-time employees and their immediate family members, including civil union partner, are provided health insurance coverage. The complete benefit plan is on file in the Payroll office and a Summary Plan Description will be provided to all full-time employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Borough. Health insurance benefits are provided to full-time Borough employees only.

Health insurance coverage for employees on an unpaid Leave of Absence or who cease Borough employment will terminate at the end of the month in which the leave begins or employment is terminated except coverage will continue for up to twelve (12) weeks for employees on leave pursuant to FMLA and NJFLA.

Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the COBRA provision for a period of up to eighteen (18) months to thirty-six (36) months. All newly hired employees and their spouses shall receive a notice of COBRA rights upon being hired. For more information, consult the Borough Administrator.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees' Retirement System (PERS) or the Police and Fire Fighters Retirement System (PFRS) as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Borough Payroll Administration will prepare an Employee Action form showing any pay or

other money owed the employee. The Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and Borough equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Workers Compensation Policy:

The Borough of Dumont maintains Workers Compensation Insurance to protect its employees who suffer job-related injury. All injuries, no matter how minor, incurred in the course of performing assigned work duties shall be reported immediately so that proper documentation is completed and treatment begins.

Employees who suffer job-related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head, who is are required to investigate all incidents/injuries to conclude what happened, how it happened, why it happened, and what should be done to prevent further occurrences. (See Report Form Part-1; Investigation Checklist-Part 2; Action Report Safety Recommendations-Part 3; and Witness Report).

All required medical treatment must be performed by a workers' compensation physician appointed by the Employer or workers' compensation carrier. Workers' Compensation is not a leave entitlement but only a wage replacement arrangement.

Payment for unauthorized medical treatment may not be covered. No temporary Workers' Compensation benefits other than the payment of medical bills shall be paid until the employee has been disabled for a period of seven (7) calendar days from the work-related injury, unless otherwise required by law.

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

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

Relevant Forms: See Section Six of this Manual: "Report Form-Part 1"; "Investigation Checklist-Part 2"; "Action Report Safety Recommendations-Part 3"; and "Witness Report."

Tuition Reimbursement Policy:

Dependent upon the presence of sufficient funds in the budget and upon approval from the Borough Administrator, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Borough Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work.

In order to qualify for tuition reimbursement, the course of study for which the employee seeks reimbursement must be approved in advance by the Borough Administrator. Pursuant to §69-49 of the Borough Code, one-half (1/2) of the tuition cost will be reimbursed at the time of registration, contingent upon the approval from the Borough Administrator. The remainder of the tuition cost will be reimbursed upon the employee's satisfactory completion of the course. The employee shall present the Borough Administrator with a copy of a certificate or transcript from the college or university attended certifying to satisfactory completion of the employee's studies.

Prior to receipt of any payment, the employee shall be required to sign an agreement to continue employment with the Borough for a minimum of one year after successful completion of a course of study. The one-year period shall run from the date the employee receives his/her/their grade for the course/class for which he/she/they has received reimbursement.

If a course of study extends beyond one year, employees receiving tuition reimbursement from the Borough shall be obligated to remain in the Borough's employ at a rate of one year's obligated service for each full year's tuition paid by the Borough. "Full year's tuition," as used herein shall mean the amount of normal tuition payable by a matriculated student for a normal, full academic year. If the tuition paid by the Borough is less than that amount, the employee's period of obligated service shall be reduced to a pro-rata portion of one year." By way of example, if the Borough reimburses the employee for a year and a half of tuition, that employee must remain in the Borough's employ for a year and a half.

If such employee shall breach such agreement, he or she shall be required to repay to the Borough any such tuition payment for which he or she was reimbursed by the Borough.

Conference and Seminar Policy:

In order to encourage self-improvement of each employee and increase the value of such employee to himself or herself as well as to the Borough, the Borough shall reimburse employees for reasonable expenses associated with attendance at professional training seminars/conventions pertaining to local government upon submitting receipts for said expenses and the prior approval of the Borough Administrator.

Requests to attend a conference or seminar must be approved by the Department Head and the Borough Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty

(30) days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

SECTION FIVE
Managerial/Supervisory Procedures

Employment Procedure:

- **Recruitment:** The Borough Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator. Upon receiving notification from the Department Head, the Borough Administrator seek approval from the Council of the Borough of Dumont to hire an employee to fill the vacancy. The Borough Administrator will then distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide a circulation as possible to encourage applications from candidates from diverse backgrounds and any advertisements must prominently state that the Borough is an equal opportunity employer.

- **Applications:** All candidates must fully complete an application form approved by the Borough. See Employment Application & Voluntary Affirmation Action Information Form at Section Six of this Manual. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. See Guide at Section Six of this Manual: "NJ Division on Civil Rights Guide on Pre-Employment Inquiries." The Borough will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Borough. All initial interviews will be conducted by the Department Head. After completing the initial interviews, the Department Head will present his recommendations to the Borough Administrator. The candidate(s) recommended by the Department Head will then participate in a secondary interview with the Borough Administrator and Department Head. The Borough Administrator will then present his/her recommendations to the Mayor and Council, and if necessary, a final interview will be conducted by the Borough Administrator, Council Liaison and Mayor, at the Borough Administrator's discretion.

- **Physical Examinations**: Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough may require applicants to pass a physical examination in order to insure that they can perform the

duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Borough may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and are to be maintained by the Personnel Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Criminal Background Checks**: Criminal background checks are required of all candidates 18 years or older, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the procedures outlined in the Section of this Manual entitled "Background Checks and Procedures for Candidates, Employees and Volunteers".

- **Job Offers:** The final decision will be made by the Mayor and Council of the Borough of Dumont and the Borough Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

- **Acceptances and Rejections:** If the first offer is rejected, the Mayor and Council of the Borough of Dumont and the Borough Administrator will decide whether to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

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

- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records including physical examinations must be maintained in a separate file. All records and documents related to other candidates must be retained for at least two (2) years. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Relevant Forms: See "Fingerprint and Background Check Consent Form" at Section Six of this Manual.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required**: Criminal background checks are required of all candidates 18 years or older, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Criminal background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years. The exact titles of employees subject to background checks can be obtained from the Borough Administrator, but shall include, at a minimum, all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs.

- **Background check procedure:** The Borough Administrator will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Borough Administrator will discuss disqualifying information received with the employee's or volunteer's department head and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

  When a disqualification decision has been made as a result of the employer's "targeted screening process" described below, the Borough Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth/minors. If the Borough contracts with an outside vendor to process the criminal background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she/they has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him/her/them under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she/they is bondable. Thereafter, the employer shall give the individual further consideration. Upon receipt of such disqualifying information, existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or

appeal. Employee suspensions may be with our without pay at the discretion of the Administrator.

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

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

  A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the employer's targeted screening process, by which the employer has taken into account the following factors: (a) The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.); (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence; (c) The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

- **Appeal Process:** The Appeals Committee will be comprised of the Mayor and Council, Police Chief or other designated superior officer, and the Borough Administrator.

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

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

During the fourteen (14) day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with or without pay, at the discretion of the Borough, pending the outcome of the Notice of Appeal.

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

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.

2. The nature and seriousness of the crime or offense.

3. The circumstances under which the crime or offense occurred.

4. The date of the crime or offense.

5. The age of the individual when the crime or offense was committed.

6. Whether the crime or offense was an isolated or a repeated incident.

7. Any social conditions which may have contributed to the commission of the crime or offense.

8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.

9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

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

Relevant Forms: See "Fingerprint and Background Check Consent Form" at Section Six of this Manual.

Nepotism Procedure:

The hiring, promoting, transferring, demoting or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship.

Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, or any person related by blood or marriage residing in an employee's household.

A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.

2. The relative would be responsible for auditing the work of the other.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Employer's interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Employer will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified.

Relevant Forms: See "Applicant Relative Disclosure Form" at section Six of Manual.

State Residency Requirement:

Every employee shall have his/her/their principal place of residence in the State of New Jersey. New hires shall have one year from the time of taking office, employment or position to satisfy the requirement of principal residency. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the Employer.

If, however, an employee holds an office, employment, or position with the Employer as of Sept. 1, of 2011, but does not have his or her principal residence in this State on that effective date, he/shall will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

Open Public Meetings Act Procedure concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or anybody of the concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session.

In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

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

Relevant Forms: See Section Six of this Manual: "Notice of Personnel Discussion."

Processing and Orientation of New Employees Procedure:

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

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement provided by the Head, or his designated representative; and
- Arrangements for the new employee to complete required PEOSHA safety training.

Initial Employment/Probationary Period Procedure:

Except where applicable law directs otherwise, new employees or present employees transferring to new positions will be hired subject to an initial probationary employment period of twelve (12) months or as determined by the Borough Administrator. During this initial probationary/working test employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the

supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this probationary period if the Borough Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

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

Performance Evaluation Procedure:

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

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

- **Setting the Stage**: The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.

- **Confirm Expectations**: The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.

- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.

- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.

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

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

> *Exceeds Expectations* means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.
>
> *Meets Job Requirements* means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.
>
> *Needs Improvement* means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.
>
> *Does Not Meet Minimum Standards* means performance is unacceptable and important objectives have not been accomplished; Need immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Administrator, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

Relevant Forms: See "Borough Performance Appraisal Form", "Borough Counseling Action Plan", and "Borough Employee Evaluation Checklist" at Section Six of this Manual.

Disciplinary Action Procedure:

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

performance, attendance problems, personal conduct, general compliance with the Borough's policies and procedures and other disciplinary problems.

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

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Borough Administrator for inclusion in the employee's official personnel file.

- **Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.

- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Borough Administrator for inclusion in the employee's official personnel file.

- **Suspension:** Whenever an employee is recommended for suspension, the Borough Administrator will make the decision and may seek the advice of the Labor Counsel if appropriate. Suspended employees may request a hearing under the applicable grievance procedure.

- **Dismissal:** Whenever an employee is recommended for dismissal, the Administrator and/or the Mayor and Council of the Borough of Dumont will make the decision only after seeking the advice of the Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

Personnel File Procedure:

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

The Official file shall include at least the following:

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

Employee Complaint Investigation Procedure:

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

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.

- **Identification/Screening**: The supervisor, Department Head or Labor Counsel must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible, but generally no later than ten (10) days after receiving the complaint, the Borough Administrator, or an investigator appointed by the Borough Administrator will schedule the interview of the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy. The employee will be asked to sign the written notes.

- **Investigation:** The Borough Administrator will seek the advice of the Labor Counsel when planning the investigation. The investigation should be conducted by the Borough Administrator (or his/her/their designee), Labor Counsel or the county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation, disciplinary action and/or any type of adverse employment action. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

- **Response Plan – No Corrective Action Required**: The Borough Administrator will discuss the conclusions with the Labor Counsel and render a decision within thirty (30 days after the investigation is complete, or within a reasonable time thereafter. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the

appropriate disciplinary penalty under the circumstances, up to and including termination should be pursued.

- **Response Plan – Corrective Action Required**: If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate, with the advice of the Labor Counsel, a corrective action plan as well as possible disciplinary action to be pursued. The Complainant shall be advised as to the outcome of the investigation and whether the allegations were corroborated and whether corrective action has been taken. The Complainant shall not, however, be entitled to specifics of any personnel action taken as a result of the investigation.

Requests for Employment Verification and Reference Procedure:

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

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

Continuing Education Procedure:

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

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

Protection and Safe Treatment of Minors:

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that

minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

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

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

There are typically four common types of abuse:

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

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to ***sexual abuse*** are sobering and equally as disheartening:

- ✓ ***"Peer-to-Peer"*** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least 4 years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.

- ✓ In contrast, ***"adult-to-child"*** abuse is typically thought out and planned in advance, demanding access and privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** It is important, however, not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.

- ✓ Child sexual abusers are not always easy to spot. Though 7 out of every 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% of them abuse children that they don't know, and 68% look no further than their own families for victims.

- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.

- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.

- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for dedication to children.

- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely or troubled children, especially those who live with step-parents or single parents may be targeted. Children between the ages of 7 and 13 years old are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

- ✓ Molesters have behavioral patterns that can be identified as ***"grooming"*** their victims. Sexual abuse is rarely violent. The molester's goal is to solicit compliance by beginning to win the victim's trust. There might be pet names, gifts to foster exclusivity and encouragement to "keep secrets." The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent anymore, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.

- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

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

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

- At the local level:
  - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
  - Housing Authority employees may also frequently come into contact with children.
  - Municipalities and counties operate or sponsor a variety of programs that involve children including, but not limited to:
    - Recreation programs
    - Before and After Care programs
    - Youth sports leagues
    - Youth centers
    - Youth in Government programs
    - Junior law enforcement training programs

  - The role of **Police and law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement

officer must make an arrest when the officer finds "probable cause" that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

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

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

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

Definitions

Authorized Adult - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.

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

Department Heads - Appointed department heads of the Borough, including the Borough Administrator, and any assistants.

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

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

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

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

Grooming - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to

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

Officials – Elected and appointed officials of the Borough, including Mayor and Council Members.

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

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

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

Policy

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

Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time

1. All prospective employees and volunteers shall undergo a thorough and complete background check, including, but not limited to, a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other State where the applicant previously resided. ***Written documentation of the background check shall be maintained by the Borough in perpetuity.***

2. Background checks that disclose any negative or questionable results must be reviewed and approved by the Borough ***prior to*** the individual being hired and/or working with minors. **Provisional hiring is not permitted**.

3. All prospective employees and volunteers must complete the training adopted by the Borough ***PRIOR TO*** starting employment or volunteer service. **In addition to completing the training course adopted by the Borough,** all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth* ™) which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.)

4. The Borough shall **annually** re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.

5. Once employed, authorized Adults who are employed are required to notify the Borough Administrator of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

Procedures and Responsibilities of Officials

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Borough. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk. A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Borough.

- Officials of the Borough are required to:

1. Complete the initial training course adopted by the Borough, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts:

   - Recognizing the signs of abuse and neglect of minors.
   - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
   - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
   - Becoming familiar with the legal requirements to report suspected cases of abuse.
   - Fully understanding the legal consequences for not being diligent in making certain that employees of the Borough adhere to all policies and procedures as adopted.

2. Meet ***annually*** with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the Borough to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*

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

Program Procedures

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

Specific Program Procedures

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

b. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, the Borough shall provide information to parents or

legal guardians detailing the manner in which the participant can be contacted during the program.

c. Make certain that all program participants provide a ***Medical Treatment Authorization form*** to the Borough.

d. Implement and adopt a ***"Code of Conduct"*** for volunteer and paid staff members which, ***at a minimum***, will include the following:

Code of Conduct

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.

- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.
- Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

<u>In addition to the Code of Conduct, the following shall be a part of the specific program provisions:</u>

- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.

- The Borough shall set forth rules and procedures governing when and under what circumstances participants may leave the Borough property during the program.

- No violence, including sexual abuse or harassment, will be tolerated.

- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited and will be addressed immediately.

- No theft of property will be tolerated.

- No use of tobacco products will be tolerated.

- Misuse or damage of Borough property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.

- The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.

- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Borough to be shared on any social media platform without the expressed written consent of a parent or legal guardian.

- The Borough shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.

- Take appropriate steps to make certain that children are <u>not released</u> to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (written authorization on file in advance.)

- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with rules.

- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:

    1. One staff member for every six participants ages 4 and 5
    2. One staff member for every eight participants ages 6 to 8
    3. One staff member for every ten participants ages 9 to 14
    4. One staff member for every twelve participants ages 15 to 17

- Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for

following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

Specific Policy and Procedures for Use of Restrooms by Children/Minors

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

Procedures for Law Enforcement Officers

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

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

1. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.

2. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.

3. The following provisions from the ***"Code of Conduct"*** for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):

    a. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.

    b. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.

c. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.

d. Officers shall make certain that they are neat, clean, and appropriately attired.

e. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.

f. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

Training Requirements

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of the Borough are required to complete training (and refresher course training) adopted by the Borough. ALL employees of the Borough shall complete the training course whether they interact with children/minors or not. The Borough will maintain training records and individual trainees should also keep copies of their own training records.

Officials

Complete the initial training course adopted by the Borough, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts.

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the Borough adhere to all policies and procedures as adopted.

Department Heads

Content of course shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e., Peer to Peer, Adult to Child, etc....)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

Volunteers and Employees of the Borough

Content of course shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e., Peer to Peer, Adult to Child, etc....)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

Law Enforcement Officers

Content of course shall include:

1. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

Reporting Suspected Child Abuse/Neglect

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

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

Child Abuse is hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support.** Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring.

Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

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

It is recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the NJ Department of Children and Families and law enforcement at the same time, which is known as "dual reporting."

For Employees or Volunteers of Programs Conducted by the Borough

Immediately report suspected cases to the Program Director in charge.

The Program Director shall immediately investigate the alleged incident. The Director shall document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:

1. ***Who:*** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

➢ After documenting all of the facts surrounding the alleged abuse, the Program Director shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to make a decision on whether a case should be reported. All cases shall be reported.

For Volunteer Coaches or Other Volunteers in Charge of Programs Sponsored by or Affiliated with the Borough.

The Volunteer shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:

1. ***Who:*** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.

2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

After documenting all of the facts surrounding the alleged abuse, the Volunteer shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

For Officials and Department Heads Who Witness or Become Aware of Alleged Cases of Abuse or Neglect

The Officials and Department Heads shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:

1. ***Who:*** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

After documenting all of the facts surrounding the alleged abuse, the Officials or Department Heads shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

For Law Enforcement Officers

Immediately report any suspected or alleged cases of abuse or neglect to the County Prosecutor.

Important Information Regarding Reporting Suspected Abuse Under NJ Law

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

ii. *Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.*

iii. *However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.*

iv. *When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*

SECTION SIX
Model Forms

- Notice of Personnel Discussion
- Sample Notices Concerning Whistleblower Act
- Application for Employment & Voluntary Affirmative Action Information Form
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Performance Appraisal
- Counseling Action Plan
- Employee Evaluation Checklist
- Fingerprint and Background Check Consent Form for Employees, Job Applicants and Volunteers that may Work or Have Contact with Minors
- Harassment Complaint Form & Witness Statement Form
- Application for Family and/or Medical Leave (FMLA) and/or New Jersey Family Leave (NJFLA) & Return to Work Certification
- Employee Information Change Form
- On the Job Injury Forms:
    - Report Form-Part 1
    - Investigation Checklist-Part 2
    - Action Report Safety Recommendations Form-Part 3
    - Witness Report
- Applicant Relative Disclosure Form
- Receipt for Personnel Policies and Procedures Manual

Borough of Dumont
80 West Madison Avenue
Dumont, New Jersey 07628

NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

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

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

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

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the Borough Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests that the discussion be held in public. You are not required to attend this meeting. Any and all deliberations of the Mayor and Council shall be in executive session, irrespective of whether or not you choose to have the discussion of your case in open session.

Notice Date: _____ Signed: _____ Administrator _____

Conscientious Employee Protection Act
"Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
   a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
   b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
   c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
   d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
   e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
      (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
      (2) is fraudulent or criminal; or
      (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: Christopher Tully, Borough Administrator

Address: 50 Washington Avenue, Dumont NJ

Telephone Number: 201-387-5060 ctully@dumontboro.org

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees.
If you need this document in a language other than English or Spanish, please call 609-292-7832.

AD-270 (10/19)

La Ley de protección al empleado consciente
"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
   a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
   b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
   c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
   d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
   e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
      (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
      (2) es fraudulenta o delictiva; o
      (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglasen inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: Christopher Tully, Borough Administrator

Dirección: 50 Washington Avenue, Dumont NJ

Número de teléfono: 201-387-5060 ctully@dumontboro.org

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados.
Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al 609-292-7832.

AD-270.1 (10/19)

Borough of Dumont

Date: _____

80 West Madison Avenue, Dumont, New Jersey

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____
Address: _____
City/Town: _____
Phone (Work): ( )_____ **(Home): ( )**_____
Social Security Number: _____ - ____ - _____

Position applied for: _____

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

Date you can start: _____ **Salary desired:** _____

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

Are you currently employed: ____**Yes** ____**No** **May we contact you at work:** ____**Yes** ____**No**

May we contact your current employer: ____ **Yes** ____**No**

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

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

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

Please list any endorsements: _____

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

Are you legally eligible to work in the United States of America: ____**Yes** ____ **No**
Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

The Borough is an Equal Opportunity Employer M/F

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

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

Comments:

Education: **Provide information on your formal schooling and education. Include elementary,**

secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

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

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

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

_____

_____

_____

_____

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

_____

_____

_____

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

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

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

Applicant's Signature _____ **Date** _____

Voluntary Affirmative Action Information

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

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

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: ( ) _____

Position Applied For: _____

How did you learn about this position? __Advertisement __Employment Agency

__Friend __Relative __Walk-in __Other (Explain)_____

Information Regarding Status:

Gender: _____Male

_____Female

Equal Employment Opportunity identification groups:

_____White

_____African-American (non-Hispanic)

_____Hispanic

_____American Indian/Alaskan native

_____Asian/Pacific Islander

_____Other_____

Other protected Groups:

_____Individual with a disability

_____Vietnam-era veteran (served between 1964 and 1975)

_____Disabled veteran

For Borough use only

Hired: __Yes __No **Position** _____ **Date** _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers	4. Sales workers	7. Operators(semi-skilled)
2. Professionals	5. Office and clerical workers	8. Laborers (unskilled)
3. Technicians	6. Craft workers (skilled)	9. Service workers

Borough Official_____ **Date**_____

This page for Borough use only
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship	a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant	
Race or Color	a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number	
Photographs	a) Photographs with application b) Photographs after interview, but before a hiring	
Age	a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number	Applicant may be asked if he/she/they is over the minimum legal age and under a bona fide mandatory retirement age
Language	a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language	Language applicant speaks and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge	a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces

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

BOROUGH PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

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

Use the Comments section to note goals being appraised and to provide future goals.

Overall Rating (circle)

1 – Does not meet minimum standards 2 - Needs Improvement 3 – Meets Job Requirements 4 – Exceeds Expectations

TRAINING/ JOB KNOWLEDGE: ***Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.***

☐ Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job.

☐ New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge.

☐ Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job.

☐ Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations.

Comments:

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

☐ Frequently damages government property and/or equipment. Work not up to expectations.

☐ Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected.

☐ Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors.

☐ Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible.

Comments:

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

☐ Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers.

☐ Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner.

☐ Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code.

☐ Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way.

Comments:

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

☐ Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances.

☐ Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others.

☐ Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed.

☐ Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork.

Comments:

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

☐ Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions.

☐ Sometimes disregards safety procedures or misuses equipment.

☐ Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards.

☐ Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. Suggests safety improvements.

Comments:

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

☐ Responds inappropriately to questions, requests, or situations.

☐ Occasionally does not respond tactfully or completely.

☐ Exhibits courtesy and tact. Answers questions or refers to the appropriate party.

☐ Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information.

Comments:

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

☐ Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision.

☐ Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems.

☐ Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes.

☐ Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information.

Comments:

ATTENDANCE: ***Consider absenteeism and punctuality.***

☐ Frequently arrives to work late. Excessive absenteeism beyond allotted time.

☐ Occasionally arrives late. Uses nearly all allotted sick time each year.

☐ Always arrives on time. Takes an average amount of sick time.

☐ Always prepared for work Highly reliable attendance.

Comments:

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

☐ Never volunteers to help. Puts down others who do volunteer work.

☐ Usually not interested in volunteering for projects, teams, etc.

☐ Willing to volunteer if asked to volunteer.

☐ Actively seeks opportunities to volunteer at both work or in the community.

Comments:

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

Does this person have supervisory responsibilities?

[ ] All the time as part of job requirement.

[ ] Supervises on an as needed basis.

☐ Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly.

☐ New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor.

☐ Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example.

☐ Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems.

Comments:

EMPLOYEE COMMENTS:

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

EMPLOYEE SIGNATURE: _____ **DATE:** _____

SUPERVISOR SIGNATURE _____ **DATE:** _____

BOROUGH COUNSELING ACTION PLAN

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____ POSITION: _____

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

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

State the reason for the counseling session:

_____

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

_____

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

_____

_____

_____

_____

_____

Employee should reach these goals by:

- ☐ **Immediately**
- ☐ **Employee is on a probationary status and will be re-evaluated on** _____
- ☐ **Employee is Suspended: Dates:** _____

Consequences of failure to improve or achieve goals:

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

Employee's Comments:

_____

_____

_____

_____

_____

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

Employee Signature: _____ **Date:** _____

Department Head Signature _____ **Date:** _____

Administrator Signature: _____ **Date:** _____

BOROUGH EMPLOYEE EVALUATION CHECKLIST

☐ **BE PREPARED**

- Know the objectives and goals of the meeting.

☐ **TIME AND PLACE**

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

☐ **CONDUCTING THE INTERVIEW**

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

☐ **CONCLUSION**

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

☐ **FOLLOW-UP**

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

Fingerprint and Background Check Consent Form
For Employees, Job Applicants, and Volunteers That May Work or Have Contact with Minors

In accordance with N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the Borough of Dumont requires background checks of individuals 18 years or older who will be working with children.

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFTall offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses **except** paragraph (4) of subsection a. of NJS.2C:35-10

_____

Name (please print)

_____

Applicant's signature Date

Employee Complaint Form

THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED

Name: _____

Department: _____

Job Title: _____

Supervisor: _____

Union Representative *(if any)*: _____

Time Period Covered by Complaint: _____

Individuals who allegedly committed the acts being complained of:

	Name	Department	Job Title
1.			
2.			
3.			
4.			
5.			

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

_____

_____

Identify all employees or others with knowledge of the complained of conduct:

Are there any documents which contain information supporting the occurrences described above?

Is there any physical evidence which supports your complaint? If so, please describe:

Have you missed any work time as a result of the complained of acts? If "yes," identify the occasions.

_____

_____

_____

_____

_____

_____

_____

Have you incurred any unreimbursed medical expenses as a result of the alleged acts?

_____

_____

_____

_____

_____

_____

_____

_____

If you previously complained about this or related acts of to an Employer supervisor or official, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint:

_____

_____

_____

_____

_____

_____

_____

(Attach Additional Sheets if Necessary)

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

_____

_____

_____

_____

_____

_____

_____

_____

_____

What is your requested remedy in this complaint?

_____

_____

_____

_____

_____

Acknowledgement:

The information provided above is true and correct.

Signature of Complainant:_____ Date: _____

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The Borough will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.

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

Signature of Complainant:_____Date:_____

Witness Statement Form

THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED

Name: _____

Department: _____

Job Title: _____

Union Representative *(if any)*: _____

Length of Time Known: Complainant_____ Respondent _____

Individuals Who Allegedly Committed the Complained of Conduct:

	Name	Department	Job Title
1.			
2.			
3.			
4.			
5.			

Identities of other persons with knowledge of facts relevant to this investigation:

_____

_____

_____

_____

Witness Statement Form (cont'd)

Please provide a detailed description of the events you witnessed. Include the date, time, location and individuals present.

_____

_____

_____

_____

_____

_____

_____

_____

Any other information which should be considered in evaluating the validity of the complaint in this case:

_____

_____

_____

_____

_____

_____

_____

_____

Acknowledgment:

I,_____, affirm that the information I have provided is true and correct. I acknowledge that the investigation is confidential and that I am not to disclose information obtained by me during the course of this investigation. I understand that unauthorized disclosures could result in disciplinary action up to and including termination.

Signature of Witness:_____ Date: _____

Application for Family and/or Medical Leave (FMLA)
and/or New Jersey Family Leave (NJFLA)

Name:_____ Date of Request: _____

Mailing Address: _____

Department:_____ Hire Date: _____

Title: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave:

❑ I request family leave to care for my newborn child, newly adopted child, or a newly placed foster child in my home.

❑ I request family leave to care for my family member with a serious health condition. I request family leave to care for:

❑ Spouse ❑ Child ❑ Parent

NJFLA Only: ❑ Parent-in-Law ❑ Civil Union/Domestic Partner

Name:_____ Address: _____

_____

❑ I request medical leave to care for my own serious medical condition.
Describe serious health condition: _____

_____

❑ I request military family leave because of a qualifying exigency arising out of the fact that my is on active duty or called to active duty status in support of a contingency operation as a member of the National Guard or reserves.

❑Spouse ❑ Child ❑ Parent

❑ I request military family leave because I am the

❑ Spouse ❑ Child ❑ Parent ❑ Next of Kin of a covered service member with a serious injury or illness.

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), I will be returned to my same or equivalent position.

I understand that if my family or medical leave exceeds twelve (12) weeks (twenty-six (26) weeks for military caregiver leave), the Employer may terminate my employment in accordance with the applicable law.

If my request for leave is approved, it is my understanding that unless the Employer has authorized an extension of my leave in writing, I must report to duty on the first workday following the date my leave is scheduled to end.

I understand that failure to return to work within five (5) consecutive working days following the expiration of the leave will constitute unequivocal notice of my intent not to return to work and the Employer may terminate my employment.

Signature of Employee:_____Date: _____

Received By: _____

Employer Representative

Complete and Return To: Borough Administrator, Christopher Tully

Return to Work Medical Certification

Employee Name:_____ Position: _____

Date leave commenced:_____ Date employee can return to work: _____

To Be Completed by Health Care Provider:

_____I have completely examined this employee. In my medical opinion, his/her/their functional capacity is limited such that there is no possible way to modify his/her/their work environment to accommodate his/her/their physical and/or mental limitations according to the attached job description that was reviewed by me.

_____ This employee's condition prevents him/her/them from safely performing the essential functions of his/her/their position and will be unable to return to work.

- or-

_____This employee is unable to return to work at this time and should be out of work until (please provide date): _____

_____I have completely examined this employee and in my medical opinion, his/her/their functional capacity is limited. This employee can continue to work safely if the job, according to the attached job description that was reviewed by me, is modified to match the modifications stated below:

_____

_____

_____

_____ Modified duty status should continue until _____
Date

_____ I have completely examined this employee. In my medical opinion I believe this employee can resume/perform all functions of his/her/their position without restrictions according to the attached job description that was reviewed by me.

Signature of Health Care Provider:_____ Date: _____

Name of Health Care Provider:_____ Telephone: _____

Address: _____

Type of Practice: _____

Area of Specialization: _____

Employee Information Change Form

Employee Name:_____ Department: _____

Indicate the change you are reporting by checking the appropriate line:

_____ Name

_____ Address

_____ Phone Number

_____ Birth of Child

_____ Death of Covered Family Member

_____ Marriage

_____ Divorce

_____ Child's Status as Dependent (for tax or insurance coverage benefits)

Please provide details relating to the change you have check above, including the date of the change.

_____

_____

_____

_____

I authorize these changes to be effective _____

Signature of Employee:_____ Date: _____

Investigation Policy Form

REPORT FORM – PART 1

Employee: complete part 1 and provide to your Supervisor IMMEDIATELY		
Supervisor: Incident? No first aid or higher treatment, no property damage, no public involvement. Circle "incident" and forward completed part 1 to Department Head.	O R	Supervisor: Accident/illness? Circle event. Upon safely securing scene, IMMEDIATELY forward completed Part 1 to Department Head and Borough Administrator

Section A: PERSONAL and EVENT DETAILS (Circle or complete responses)

Title:	Last Name:	First Name:	
Date of Birth:	Are you: Employee Public visitor		
Sex: M/F	Department	Employee ID No:	
Home address:			
Email address:		Phone: (w)	Phone: (h)
Date and time of event:		Location:	
What was the event and how did it happen?			
Witness Name(s), address, telephone:			
Signed (employee, public visitor):		Date:	
Signed (Supervisor):		Date:	

Section B: INJURY/ILLNESS DETAILS (If applicable) Use this section to also report workplace disease

Type of injury or disease (EG burn):	Part(s) of the body affected:	
Needle stick injury/sharps injury/exposure to body fluid: Contact details of source patient (if applicable): Name:	Address:	Phone:
Date and time when symptoms noticed:		
Was medical treatment given?	No / First Aid / Nurse / Doctor / Hospital	
Name of person giving initial treatment:		
Date and time initial treatment given:		
If an Employer employee, does the injured person intend to lodge a claim for workers' compensation? Yes / No /Unknown		
If an Employer employee, will time be lost as a result of this injury? Yes/ No		How many hours/days?
If a public visitor or, does injured person intend to lodge a claim? Yes / No /Unknown		

INVESTIGATION CHECKLIST – PART 2

Department Heads are required to investigate all incidents/injuries to conclude what happened, how it happened, why it happened, and what should be done to prevent further occurrences. Department Heads may request through their respective Freeholder Committee specific assistance from trained investigators and inspectors.

PART 2 Instructions: Department Heads Complete Part 2 within FIVE (5) WORKING DAYS of event and forward to Human Resources Official.

Who is involved in completing this investigation?

Department Head:	Department Supervisor:
Assisting:	Assisting:
Assisting:	Assisting:

Section 1: INVESTIGATION CHECKLIST: (Questions to ask the person involved with the incident. Modify the "you" in the questions for use by witnesses).

Event/Injury: How do you think the event / injury happened and what were you doing at the time?

_____

_____

How long had you been working prior to the event / injury? _____

How long had you been working on this task? _____

Is this task part of your normal duties? ☐ Yes ☐ No

Have you been instructed / trained in this task? ☐ Yes ☐ No

What were you doing prior to the event / injury?

_____

Are there any other factors involved (management, the environment, equipment, maintenance, individuals)?

_____

What do you think could have been done to prevent this event from occurring?

_____

Any other comments or observations?

_____

Please circle the most appropriate response(s):

What sort of incident/injury occurred? Manual Handling / Occupational Overuse Syndromes (OOS) / cuts / bruises / burns / falls / slips / trips / vehicles / bicycles / chemicals / insects / animals / foreign body / plant / stress / other…
Location where incident occurred?
Type of injury: sting / bite / kick / puncture / strain / sprain / chemical / slip / trip / fall / other…
Standard operating procedures followed? Yes / No / N/A
Identification of equipment/object/insect involved:
Equipment in good condition? Yes / No / N/A

Date of last service of equipment:	
Appropriate safety equipment (PPE) used?	Yes / No / N/A
Lighting adequate?	Yes / No / N/A
Housekeeping issues contributed?	Yes / No / N/A
Confined Space?	Yes / No / N/A
Surface type: cement / tile / grass / dry / wet / damaged / torn / sand / footpath / carpet / gravel / rocks / road / other…	
Type of shoes worn: open / closed / boots / high heels / sandals / none / other…	
Workload excessive?	Yes / No / N/A
Workload boring and repetitive?	Yes / No / N/A
If it was a slip or trip: Height of fall / slip / trip?	
Were you running / walking / turning a corner / jumping / other?	
If stairs: going up / going down?	
Did you fall on your front / back / side?	
What were you carrying (if anything) at the time?	
If the incident involved chemicals: Was an MSDS (Material Safety Data Sheet) available?	Yes / No / N/A
Disposal / handling / storage of chemical product adequate?	Yes / No / N/A
If the incident involved manual handling: Were work items within easy reach?	Yes / No / N/A
Ergonomic equipment available?	Yes / No / N/A
Was the equipment being used correctly?	Yes / No / N/A
Repetitive and/or forceful movements used?	Yes / No / N/A
Action involved reaching / bending / stooping / sitting / kneeling / twisting / pushing / pulling / lifting/ catching / lowering / carrying	
Weight of object?	
Distance carried / position of object moved from/to?	
Height of load?	
If the incident involves a vehicle or bicycle: traffic conditions:	
Weather conditions:	dry / wet / foggy / night / day
Intersection / turning right or left / driveway / straight road	
Speed prior to incident?	
Traveling to work / lunch time / after work / to home / work related travel	
Any other factors involved?	

Investigator's comments and observations: _____

_____

_____

_____

ACTION REPORT SAFETY RECOMMENDATIONS FORM – PART 3

PART 3 Instructions: Department Heads complete Part 3 within TEN (10) WORKING DAYS of event and forward to the Human Resources Official.

A hierarchy of control should be used to assist with the prevention of future similar injuries. The 'hierarchy of control' depicts the most to the least effective methods, as shown in the table below. This is the most important part of the investigation process! Do not leave blank.

Risk Control Options	Action Required	By Whom	By When
Elimination – do you have to do the task?			
Substitution – is there another way you can do the task?			
Engineering – can you engineer a way to make the job safer? (Job Safety Analysis sheets may give clues)			
Administration – can you improve work practices? E.g. limit time of exposure			
Personal Protective Equipment (PPE)			

Date feedback provided to person reporting the event:		
Signed:	Print Name:	Ph:
Position:		Date:

Safety Committee Recommendations			
Date Part 1 received:	Date Part 2 received:	Date Part 3 received:	Date Completed:

Witness Report

Your Name:_____ Home Phone: _____
Address:_____ Work Phone:_____ City:
_____ State:_____ Zip:_____
Social Security No.:_____ Date Form Completed: _____

Date of Incident/Accident:_____ Approximate Time:
_____

Location:_____

Did You See this Incident/Accident? ❑ Yes ❑ No

If Yes, Please Give a Description of What Happened:
_____
_____
_____
_____
_____

Was Anyone Injured? ❑ Yes ❑ No

If Yes, Please List: Name:
_____

Type of Injury: _____

Was Injured Person Taken, Or Go, To Nurse's Station?: ❑ Yes ❑

No Were There Any Other Witnesses?: ❑ Yes ❑ No

If Yes, Please List Names:
_____
_____

I certify that this Witness Report has been read and completed to the best of my ability and that all information submitted is true.

Signature of Witness:_____ Date: _____

Applicant Relative Disclosure Form

Name of Applicant: _____

The Employer prohibits the hiring of relatives if the employment of such an individual would result in the creation of a prohibited employment relationship. A prohibited relationship is created when:

1. One relative would have the authority to directly supervise, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.

2. The relative would be responsible for auditing the work of the other.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Employer's interest and their own.

Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in- law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, or any person related by blood or marriage residing in an employee's household.

Do any of your relatives currently work for the Employer or are any of your relatives an elected or appointed official?

❑ Yes ❑ No

If you answered "yes" to the previous question, please disclose the name(s) of your relative (s) who work(s) for the Employer, his or her title, and his or her relationship to you.

Relative #1

Name: _____

Title: _____

Relationship: _____

Relative #2

Name: _____

Title: _____

Relationship: _____

Relative #3

Name: _____

Title: _____

Relationship: _____

Relative #4

Name: _____

Title: _____

Relationship: _____

Note: An applicant's failure to fully disclose his or her relationship to an individual employed by the Employer or elected or appointed official may result in the rejection of the employment application or, if employed, the termination of employment.

I acknowledge that I have read and understand the above Disclosure Form and that I have disclosed all relatives who work for the Employer or serve as elected or appointed officials.

Signature of Applicant:_____ Date:_____

Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of the Borough's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor or the Borough Administrator. I understand that the Borough is an "at will" employer and consistent with applicable Federal and State law, as well as applicable bargaining unit agreements, employment with the Borough is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Manual states the Borough's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with the Borough for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Administrator.

Date: _____

Signature: _____

Print Name: _____

Department: _____