

TOWNSHIP OF BRANCBURG



POLICIES AND PROCEDURES

ADOPTED W/AMENDMENTS:

JANUARY 27, 2020

RESOLUTION No. 2020-46



TOWNSHIP OF BRANCHBURG POLICIES AND PROCEDURES

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PURPOSE, SCOPE, AND DISCLAIMERS

PURPOSE

The Township of Branchburg has enacted these Policies and Procedures in order to further the following goals:

1. To provide a uniform system of personnel administration throughout Township service.
2. To promote the recruitment, selection, placement, promotion, retention and separation of Township employees based upon employees' qualifications and fitness, and in compliance with Federal and State laws.
3. To assist managers in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the Township.
4. To promote communication between managers, supervisors, and employees.
5. To ensure, protect and clarify the responsibilities of employees.

SCOPE

These Personnel Policies and Procedures shall apply to all Township employees in all departments within the jurisdiction of the Township. These Policies and Procedures do not apply to independent contractors.

This manual is not intended to annul, supersede or conflict with:

1. The laws of the United States or the State of New Jersey;
2. Municipal ordinances adopted by the Township of Branchburg;
3. Contracts negotiated on behalf of Township employees by recognized labor unions; or
4. Personal Services Contracts entered into by the Township.

Thus, in the event of conflict between these Policies and Procedures and any federal or state law, Municipal ordinance, collective bargaining agreement, or personal services contract, the terms of that law, ordinance, agreement, or contract, shall prevail. In all other cases, these Policies and Procedures shall apply.

In the event of the repeal or amendment of any ordinance, rule or law incorporated into these Policies and Procedures, or upon which they rely, these Policies and Procedures shall be deemed amended in conformance with those changes.



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DISCLAIMER AND EMPLOYMENT AT WILL NOTICE

These Policies and Procedures are not a contract of employment and the Township makes no promises of any kind in these Policies and Procedures. Regardless of what these Policies and Procedures say or provide, the Township remains free to repeal, modify or amend these Policies and Procedures, and to change wages, benefits and all other working conditions, without prior notice.

In addition, employment with the Township is expressly declared to be “at will.” This means that any employee has the right to terminate his or her employment at any time, with or without cause, and that the Township has the right to terminate any employee’s employment at any time, with or without cause. Any written or oral promises or representations to the contrary are expressly disavowed and should not be relied upon by any employee.

An employee’s status as an “at will” employee can only be changed by a written agreement that: (1) is formally adopted and approved by the Township Committee; (2) expressly states that the employee’s employment is not “at will;” and (3) sets forth the specific duration and terms of the individual's employment. Under no other circumstances can an employee’s “at will” employment status be changed.

The foregoing disclaimers apply to all Township employees, unless an applicable collective bargaining agreement or governing law provides otherwise.

EFFECTIVE DATE

These Policies and Procedures are effective as of January 27, 2020.

THESE POLICIES AND PROCEDURES SUPERSEDE ALL PREVIOUS POLICIES AND PROCEDURES PREPARED AND/OR DISTRIBUTED BY THE TOWNSHIP AT ANY TIME IN THE PAST. NO EMPLOYEE SHOULD RELY ON ANY PROVISION CONTAINED IN ANY SUCH SUPERSEDED POLICIES AND PROCEDURES.

TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS

TYPES OF EMPLOYMENT

The types of Township employment are Probationary, Regular, Temporary and Seasonal:

- a) Probationary Employee: An employee on a trial basis during the initial period of employment or after transfer or promotion to a new position. All newly hired Township employees are on a probationary status for six (6) months from the date of hire. All Township employees who are transferred or promoted are on a probationary status for ninety (90) days from the date of transfer or promotion. Probationary periods may be extended up to one year in increments of no less than three (3) months.
- b) Regular Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and is regularly scheduled to work no less than 37 ½ hours per week, except where Labor Agreements and Ordinances state otherwise.

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Regular Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position that is expected to continue for an indefinite duration, and is regularly scheduled to work less than 25 hours per week.

- c) Temporary Employee: An employee whose work assignment is limited in duration to six months or less, and qualified to work in one or more job assignments at irregular intervals in one or more Township departments.
- d) Seasonal Employee: An employee whose employment is intended to be both part-time and temporary and is hired strictly during a particular season to assist in certain functions (e.g., summer recreation employees).

BENEFIT ELIGIBILITY

Entitlement to employee benefits shall be as follows:

- a) Employees classified as Regular full-time employees shall receive all employee benefits provided by the Township, however, benefits may vary with collective bargaining agreements. Probationary full-time employees shall be entitled to the same benefits as Regular full-time employees, subject to applicable eligibility provisions and time periods.
- b) Regular part-time employees hired prior to the effective date of this manual shall be entitled to pro rata vacation, holiday, sick leave and bereavement leave benefits, however, benefits may vary with collective bargaining agreements. Probationary part-time employees who, upon successful completion of their probationary periods, will be regular part-time employees, shall be entitled to the same benefits as regular part-time employees, subject to applicable eligibility provisions and time periods. Temporary and seasonal employees receive no Township benefits.

COURT ORDERED COMMUNITY SERVICE WORKERS

The Township may at times provide work hours for court ordered community service workers as assigned by the court.

Acceptance and placement will depend on the individual's background, skills and nature of the order.

PROBATION PERIOD

All newly hired Township employees are on a probationary status for six (6) months from the date of hire. The purpose of the probationary period is to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. The probationary period may be extended up to one year in increments of no less than three (3) months after an evaluation of the employee's abilities, and demonstrated potential. Probation extension is done by the Township Committee upon recommendation of the Administrator after consultation with the Supervisor. Absence of action by the Township Committee does not make an employee a regular employee and extends probationary period for three-month intervals limited to one year.



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If an employee is granted a leave of absence for any reason during his/her probationary period, the employee's probationary period shall be extended for a period of time equal to the length of the leave of absence.

Part-time employees on probation shall receive pro-rated pay if a holiday falls on a regularly scheduled workday unless schedule is readjusted at Supervisor's request.

All Township employees who are transferred or promoted are on a probationary status for ninety (90) days from the date of transfer or promotion. If a transferred or promoted employee fails to achieve satisfactory performance in the new position, he or she will be given priority for the first position open to which they are qualified. If there are no open positions for which he/she is qualified, termination from Township employment may result.

If an individual has been transferred or promoted, he or she remains eligible for all fringe benefits included with the previous position during the 90 day probation period. If the position to which an employee has been transferred or promoted carries benefits different from those of the previous position, the person becomes eligible for the benefits of the new position upon the satisfactory completion of the probation period retroactive to the date of the transfer or promotion.

DURING THE PROBATIONARY PERIOD, THE TOWNSHIP RESERVES THE RIGHT TO TERMINATE THE PROBATIONARY EMPLOYEE'S SERVICE FOR ANY REASON. MOREOVER, COMPLETION OF THE PROBATIONARY PERIOD IS NOT A PROMISE OR GUARANTEE OF CONTINUED EMPLOYMENT. IN ACCORDANCE WITH THE TOWNSHIP'S EMPLOYMENT AT WILL POLICY, THE TOWNSHIP MAY TERMINATE ANY EMPLOYEE'S EMPLOYMENT AT ANY TIME, WITH OR WITHOUT CAUSE (UNLESS AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT OR GOVERNING LAW PROVIDES OTHERWISE).

Employees who are terminated while on probation shall be notified in writing by the Township Administrator and a copy of said notification shall be retained in his/her personnel file.

GENERAL EMPLOYMENT POLICIES

MANAGEMENT RIGHTS

The Township reserves all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the Laws and Constitution of the State of New Jersey and of the United States including, but not limited to:

- (a) to manage and control the affairs of the Township of Branchburg and its properties and facilities, the operation of its departments and the activities of its employees.
 - (b) to hire all employees, and subject to law to determine their qualifications and conditions for continued "at will" employment and assignment, and to promote, transfer, demote, dismiss and discipline.
 - (c) to establish and regulate any working condition not covered by a Collective Bargaining Agreement.
 - (d) to make rules of procedure and conduct, to use improved methods and equipment, to determine reasonable work schedules and shifts, and to decide the number of employees needed.
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- (e) to establish rules and regulations to maintain order, safety and effective operation of the Township.

PRIMARY JOB

It is understood that all employees will consider their positions with the Township as their primary job. Any outside employment must not interfere with an employee's efficiency or constitute any conflict of interest. Employees shall not use Township materials and equipment for their outside employment. Employees shall perform no private work in their fields within the Township or with any person or company doing business with the Township. Employees are required to notify the Township of outside employment.

UNION RIGHTS

The Township recognizes that employees have the right to organize for the purpose of collective bargaining.

All Township employees have a right to belong to any appropriate bargaining unit unless they are exempt as defined by law, or exclusion by union contracts. Additional conditions of membership are described in each labor contract.

Each bargaining unit separately negotiates contracts for its members with the Township. Wages, benefits and conditions of employment of union employees will be provided as specified in the respective labor agreement. Employees are not granted time off with pay to perform union activities. Township facilities may be used for union activity if scheduled through the Municipal Clerks' office, with approval of the Administrator.

EMPLOYEE PERSONNEL RECORDS AND INFORMATION

The Township Administrator is responsible for establishing and maintaining an official personnel file for each employee of the Township and related files as required by law. Access to these records is only granted with permission of the Administrator or Municipal Clerk.

Administration shall keep all employee personnel information confidential except when disclosure is required by law or when the Township is requested to verify information relating to job title, department, base salary and dates of employment. Except when required by law, such personnel information will only be furnished to authorized persons or lending institutions upon written request to the Township Administrator and only with the consent of the employee.

EMPLOYEE IDENTIFICATION/ACCESS CARDS

It is the policy of the Township of Branchburg to issue employee identification cards to all employees.

The card should be carried at all times when an employee is acting in an official capacity. The card shall be used as identification if requested by a member of the public or another Township employee.

Township identification cards should not be used for any purpose not related to the lawful performance of the employee's duties.



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EMPLOYEE CONDUCT

It shall be the duty of employees to maintain high standards of cooperation, efficiency and integrity in their work with the Township. If an employee's performance or conduct falls below standard, he/she may be subject to disciplinary action.

Some general things for which an employee may be disciplined include, but are not limited to:

1. Reporting to work under the influence of alcohol, illegal drugs or other intoxicants, or using, selling or possessing such substances while on Township property.
2. Failure to follow the lawful orders of one's Supervisor(s).
3. Being absent from work without permission or failure to report to the immediate Supervisor or Supervisor for more than three consecutive days when absent.
4. Being habitually absent or late.
5. Failure to perform assigned work in an efficient or effective manner.
6. Being wasteful of material, property or working time.
7. Failure to cooperate with fellow employees so that the work being done is hindered and not up to required levels.
8. Failure to observe property security procedures.
9. Conduct on the job which violates the common decency or morality of the community.
10. Conviction of a crime.
11. Violating safety rules and regulations.
12. Removal of Township money, merchandise, or property, including property in custody of the Township, without proper permission.
13. Neglect of duty, including using Township time for other than Township business.
14. Dishonesty, including intentionally giving false information, intentionally falsifying records, lying to Supervisors in connection with your job or making false statements in any employment-related record.
15. Divulging or misusing confidential information, including removal from Township premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind.
16. Unwillingness to perform the assigned job.
17. The use of profanity or abusive language towards a fellow employee or member of the general public while performing official duties as a Township employee.
18. Assault on another employee or a member of the general public.
19. Violation of the Township's Non Discrimination and/or Non Harassment Policies.

The foregoing list of disciplinary infractions is not intended to be all-inclusive, nor is it meant to imply that an employee may only be disciplined or discharged for cause. Rather, in accordance with the Township's employment at will policy, the Township may terminate any

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employee's employment at any time, with or without cause (unless an applicable collective bargaining agreement or governing law provides otherwise).

REPORTING OF DISHONEST PRACTICES

The New Jersey Conscientious Employee Protection Act, NJSA 34:19-1 et. seq., is designed to protect employee "whistleblowers" by making it illegal for employers to take retaliatory action against an employee who discloses or threatens to disclose, or refuses to participate in, or objects to, an activity that the employee reasonably believes is illegal, criminal, fraudulent, or contrary to the public health, safety or welfare or the protection of the environment. Employees who are aware of such activities should bring that information to the attention of proper Township officials. The employee may report to any official whom he/she feels can be trusted to act properly with the information. The employee should provide factual information about the allegations.

There will be no retaliation against an employee who makes such a report in good faith. If the accusing employee intentionally makes false accusations or makes accusations without a reasonable factual basis, then the employee will be subject to disciplinary action. However, neither the employee against whom the accusation was made, nor any other employee, may take any action against the accusing employee outside of the disciplinary process.

NEPOTISM

A person who is a relative of a Township employee, or living with a Township employee, may not be hired, promoted, transferred, demoted or reassigned if such employment action would result in the creation of a prohibited relationship.

A prohibited relationship is created when:

1. One person would have the authority to supervise (directly or indirectly), appoint, remove, discipline, evaluate or otherwise affect the work or employment of the other person.
2. One person would be responsible for auditing the work of the other person.
3. Other circumstances exist which would place the persons in a situation of actual or reasonably foreseeable conflict between the Township's interest and their own.

Employees who marry, commence living together, or become related may continue in their employment if such continued employment does not result in the creation of a prohibited relationship. Where continued employment results in the creation of a prohibited relationship, the Township will explore potential accommodations, including the reassignment of one or both employees to available positions for which the employees are qualified.

If the Township determines that an acceptable accommodation cannot be made, the Township will notify the individuals that one of the employees must separate their employment with the Township within 60 calendar days. In the event the employees do not agree as to which one shall resign, the Township will terminate the employee with the least seniority.

Definitions

"Relative" includes spouse, civil union partner, domestic partner, parent, stepparent, child, stepchild, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew and cousins.



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“Living with” means a living arrangement among unmarried persons substantially similar to that of a marital relationship, regardless of either person’s gender.

Required Disclosure

Prior to employment or appointment, all persons shall submit an official disclosure statement, disclosing to the Township any relationships they may have to township employees and elected or appointed Township officials. The disclosure statement shall be maintained in the individual’s application folder or personnel folder.

When two Township employees marry, commence living together, or become related, both employees must disclose this information to the Township Administrator as soon as practicable, but in no event later than thirty calendar (30) days before the employees marry, commence living together, or become related.

An individual’s failure to disclose such information may result in rejection of the employment application or the termination of employment.

FRATERNIZATION (DATING) AT WORK

Consensual romantic and/or sexual relationships at work may be permitted under certain circumstances. Generally, as long as a consensual romantic or sexual relationship does not interfere with or compromise your work, your co-workers’ work, and/or business demands and expectations, it is permitted. The determination of what constitutes “interference” or “compromise” is solely at the discretion of the Township.

Notwithstanding, while romantic/sexual relationships among co-workers is permitted (but not among supervisor and subordinates in accordance with our Nepotism policy), it is essential to understand that consenting romantic and sexual relationships between co-workers may lead to unforeseen complications. Should the existence of such a relationship create a potential conflict or in any way have the potential to, or in fact affect the harmony, productivity or operations of the township, as determined by the municipality, one or both of the individuals may be reassigned (which may include a demotion), have their schedule adjusted or even be asked to resign. The operation of our municipal business must come first. We urge employees to consider this policy before entering into a personal relationship with any coworker.

Immediately, upon entering into such a relationship as discussed in this section the employees involved must report said relationship to their supervisor. Failure to do so may result in disciplinary action.

PERSONAL APPEARANCE

As a customer centered organization it is imperative that Township employees present themselves in a professional manner. Residents and other stakeholders often form their opinion of our organization based upon their initial contact.

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the professional business image, which the Township wishes to present to the citizens.

Township employees are thereby required to present themselves in a neat and orderly business manner. Employees are to dress in a manner appropriate to the work performed. Employees

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are to refrain from wearing denim pants, tee shirts or other clothing which is not acceptable in a business atmosphere, unless authorized by the Township Administrator.

This policy shall not apply to those employees whose duties regularly take them out of the office into environments which are not conducive to such business attire (i.e.; engineering/code inspectors). However, such employees should make every effort to ensure that their attire is presentable and appropriate for the work they are performing that day.

Employees who are provided uniforms by the Township should present themselves in an appropriate manner.

TRAVEL ON OFFICIAL BUSINESS

Township employees who need to travel on official Township business must use a Township vehicle unless personal vehicle use is approved by the Administrator. Township employees who use their private vehicles in an authorized official capacity may submit a request for reimbursement for expenses with the Township Administrator. Township employees who use their private vehicle without authorization from the Administrator will not be reimbursed for travel expenses. Reimbursement for mileage will be paid at the current Federal Standard Mileage Rate up to a maximum of \$50.00 per authorized use.

Employees must submit vouchers and mileage report forms detailing the odometer readings at the beginning and end of the trip(s) taken; the purpose of the trip(s); and the total mileage driven. Receipts for any tolls paid should be attached to the mileage report form.

SOCIAL MEDIA, TELEPHONES, COMPUTERS

The Township owns and maintains various types of communication and computer equipment for Township use. These include telephones, voice mail, fax machines, e-mail systems and computers of various types used by specific individuals in the Township's business. "Your" computer, telephone, voicemail, e-mail account and the like are Township property, to be used for the Township's business. Access is always available to an Employee's Supervisor and others in the Township.

Equipment is provided for business, not personal, use. Occasional use of the Township's communication equipment, which does not interfere with the Township's business or the Employee's work, may be permitted from time to time by a Supervisor. Use of the Township's communication equipment and computers for anything not specifically authorized, including, but not limited to, religious or political causes is strictly prohibited. Employees are prohibited from displaying or transmitting sexually explicit images and messages, ethnic slurs, racial epithets or anything which could be construed as harassment or disparaging of others. Employees are prohibited from initiating or forwarding any communication which may bring disapproval or disrespect to the Township.

E-mail, voicemail and other passwords must be known to the Township Administrator at all times.

The Township reserves the right to monitor all telephone and computer usage, including all voice mail messages, email messages, computer files, and internet usage at any time without prior warning or notice. There is no right of privacy associated with any of the above activities or communications. Therefore, employees should refrain from storing any data or



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transmitting any messages or accessing any internet sites that they would not want to be viewed or accessed by the Township or which violate this policy.

SOCIAL MEDIA POLICY

The Township has set forth guidelines for the establishment and use of its social media sites. The purpose of this social media policy is to establish enforceable rules for the use of social media by Township officials, officers, employees, agents, designees, representatives and/or volunteers when engaged in Township business. Social media refers to Facebook, Instagram, Twitter, YouTube and/or any other communication site/application that is open to response or comment. The full policy as adopted by the Township Committee is attached hereto as Addendum I.

TELEPHONE

Township telephones are to be used for official Township business. Although the Township recognizes that in extreme circumstances, employees may need to make and receive personal telephone calls during business hours; such personal calls must be held to a minimum time limit and must not interfere with the employee's work.

Personal telephone calls shall:

- (a) be restricted to emergencies only during business hours.
- (b) be confined to lunch periods, unless an urgent personal situation arises.
- (c) occupy as brief a time period as possible.
- (d) be made collect, or made with the employee's personal telephone calling card for any calls outside the local calling area.

The above restrictions apply to both the Township's telephones and personal cell phones owned by employees.

SOFTWARE

Approval from the Township Administrator or his appointed designee must be granted prior to downloading or installing software or data files. Whenever personal or business registration is required, software downloads must be registered to the Township. Employees must advise their Supervisor of all passwords or other access restrictions and may not change such passwords or restrictions without prior approval by the Supervisor. Supervisors shall notify the Township Administrator of all passwords and accessing restrictions, who shall maintain a central file of same.

Copyright Issues

Use of Copyrighted Materials and Township Information Copyrighted and licensed materials may be accessed and used only in a manner consistent with the owner's policy and only for an employee's individual use in research. No copyrighted or licensed material may be transmitted on the Internet or through any other means without the consent of the owner. Employees are not permitted to copy, transfer, rename or delete information or programs created or maintained by other employees unless given express permission by the Administrator or his/her delegate. Failure to observe these requirements

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may result in disciplinary action and could result in legal action by the copyright or license owner.

Violations

Violations of any guidelines listed above will be presented to the department Supervisor and Township Administrator and may result in disciplinary action up to and including termination. If necessary, the Township will advise appropriate legal officials, law enforcement officers or other third parties without prior consent from the sender, receiver or other involved parties.

TOWNSHIP EQUIPMENT AND VEHICLES

Employees are responsible for taking care of any equipment assigned to them.

Employees shall not remove, or in any way assist in the removal of supplies, material, goods or equipment belonging to the Township from its property, unless such removal has been authorized by the Township Administrator.

A Township vehicle should be used whenever possible for official business. Township vehicles are not for personal use, except in special circumstances as approved by the Administrator or Township Committee. The Township reserves the right to request the employee's driver's license number and to verify that the license is valid prior to allowing any employee to drive a Township vehicle. Drivers assigned to a Township vehicle are responsible for ensuring that the vehicles are kept clean and in good operating condition and are serviced in accordance with a preventive maintenance schedule.

Employees operating a township owned vehicle, that is involved in a motor vehicle accident, will be immediately tested for drugs/alcohol and receive a vision test should the accident result in any of the following; damage in estimated excess of \$5,000, where the vehicle is towed, where the employee receives a citation, or that involves injury to any person to the extent that one must be transported to a hospital.

REPORTING OF ACCIDENTS

All accidents, whether of a major or minor nature, must be reported immediately to the employee's Supervisor, who in turn, must report the injury or accident to the Township Administrator as soon as possible. Any hazard or condition which might jeopardize the health and safety of the public or employees must also be reported upon discovery.

VEHICLE ACCIDENT REPORTING

If a Township vehicle is involved in an accident, a Police Officer should be called to the scene immediately in order to complete a full motor vehicle accident report. The parties should exchange all relevant information and file the necessary reports with the police department.

Accidents must be reported to the Township Administrator and the employee's Supervisor. Failure to report a motor vehicle accident shall result in disciplinary action.

REQUESTS FOR LEGAL WORK

It is the policy of the Township that all requests for legal assistance concerning Township business shall be processed through the Township Administrator or Municipal Clerk's office.



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SMOKING POLICY

For Township Employees Within Township Owned Facilities.

There will be no smoking or carrying of any kind of lighted pipe, cigar, or cigarette in the following areas:

Municipal Building and all municipal facilities, including, but not limited to:

- Police Building
- DPW Facility
- Little Red Schoolhouse
- Station House
- Whiton Hills Community Room
- Township vehicles
- While operating Township equipment

Failure to comply with the policy will subject an employee to disciplinary action.

POLITICAL ACTIVITIES

The Township has adopted this policy:

1. To foster governmental efficiency and to ensure that employees can perform their jobs without being pressured to support specific Committee or other political candidates or to interpret regulations favorably for supporters of such candidates.
2. To allow employee performance and advancement to be judged without regard to prior political activity.
3. To promote public confidence in the integrity of Township government to the end that Township Committee members will not be perceived as making decisions on the basis of political loyalties.

Section 1: Prohibited activities during working hours. An employee shall be subject to discipline up to and including immediate dismissal for violation of these provisions:

1. No employee shall during an assigned work shift as an employee of the Township:
 - a) Request or solicit contributions or anything of value for any political candidate or cause.
 - b) Participate in any political campaign by distributing literature; picketing or demonstrating on behalf of or in opposition to any political candidate or cause; organizing, planning or in any other way participating in the administration of any political campaign.
2. No employee while on duty or volunteer shall, in the uniform of the Township, or while in or operating any Township vehicle, display any badge, button, sign or sticker promoting or opposing any political cause or candidate.
3. No employee shall use public funds, property, or anything of value belonging to the Township, to promote or oppose any political cause or candidate.

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Section 2: Coercion, Intimidation of Public Employees. No officer or employee of the Township shall use his/her public office or employment for the purpose, or with the effect of:

1. Coercing or intimidating any Township employee or employees with respect to contributing to, or refraining from contributing to or opposing or promoting, any political cause or candidate.
2. Obtaining a benefit as a result of any political activity by:
 - a) Intentionally committing an unauthorized act under color of law.
 - b) Intentionally refraining from performing a duty imposed upon him/her by law.

SOLICITATIONS

Peddling or soliciting for sale or donation of any kind by outside sales representatives and/or agents at the Municipal complex during normal working hours is not permitted.

EMPLOYEE ETHICS

All Township employees shall comply with all provisions of NJSA 40A:9-22.1, et seq, known as the "Local Government Ethics Law."

Lobbying Before State Legislature or Other Governmental Agency

1. In order to assure that the official policies of the Township are expressed during appearances before legislative bodies or other governmental agencies, the following policy will apply:
 - a) Any employee who appears before any governmental legislative body or any agency during hours other than working hours will not represent themselves as employees of the Township. If during the course of an appearance or verbal interchange, the fact emerges that the person is an employee of the Township, then a disclaimer will be issued that the information or testimony given represents the views of the employee and not that of the Township. If information or testimony is given that is contrary to official policies of the Township, then a statement to that effect will be given if the person has been identified as an employee of the Township.
2. A violation of this policy procedure could result in disciplinary action.
3. "Lobby" or "lobbying" each mean attempting to influence the passage or defeat of any legislation or the adoption or rejection of any rule, standard, rate, or other legislative enactment that will or could have any impact on the Township.

SUBSTANCE ABUSE POLICY

It is the goal of the Township to provide a safe work place by eliminating the hazards to health and job safety created by alcohol and other drug abuse.

This policy applies to all employees of the Township of Branchburg while on the job and to situations wherein employee's off-the-job or off-premises conduct impairs work performance or undermines the public confidence in, or harms the reputation of the Township.



TOWNSHIP OF BRANCBURG POLICIES AND PROCEDURES

DEFINITIONS

1. The term “illegal drug” means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any state, county, and local laws and regulations in the United States.

Drugs and controlled substances that are not legally obtainable, or that are legally obtainable but have not been legally obtained, are illegal drugs. Examples include street drugs such as cocaine, heroin, marijuana, phencyclidine and controlled substances such as amphetamines, methamphetamines, and barbiturates.

2. The term “controlled substance abuse” includes prescribed drugs not being used for prescribed purposes or in a prescribed manner.

PROHIBITED CONDUCT

It is a violation of Township policy to sell, offer to sell, buy, offer to buy, possess, distribute, use or be under the influence of alcohol or any illegal drug, or to engage in controlled substance abuse, while at work at any location, on Township premises at any time, or when operating any Township vehicle, tools or equipment.

Employees who engage in such prohibited conduct will be subject to disciplinary action, up to and including discharge.

EMPLOYEE RESPONSIBILITIES

Each employee has the responsibility to:

1. Report to work at all times free of alcohol or other illegal drugs and their effects; and
2. Support the Township’s efforts to eliminate alcohol and other drug abuse among employees where it exists.

TESTING

1. Applicants -- The Township reserves the right to conduct drug and alcohol testing of all applicants. Drug and alcohol testing may also be conducted for police department applicants by the Police Training Commission.

Employees -- Drug and alcohol testing shall be conducted on employees only in cases where reasonable suspicion of alcohol use, illegal drug use or controlled substance abuse in violation of this policy exists (unless testing is required for certain positions by State or Federal statute.) Adverse action against an employee for off duty conduct shall not be taken unless such conduct directly impairs the employee’s on the job performance.

2. Whenever the Township, during the course of an investigation by the Administrator, has reasonable suspicion that an employee is under the influence of alcohol or drugs (or in the case of applicant testing), then the following procedure shall immediately be applied:
 - a. Prior to testing, the employee or applicant will be asked to sign an approved form agreeing to the testing, authorizing the release of test results to the Administrator and authorizing the disclosure of the results to any other persons the Administrator determines needs to know for the safety and welfare of the other employees and the residents of Branchburg Township. An employee or

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applicant who refuses to sign the authorization shall be subject to immediate discharge.

- b. The employee shall be prevented from engaging in further work and shall be instructed to wait for a reasonable amount of time until the employee can be transported to a designated location where a drug and/or alcohol test will be conducted. Testing shall be conducted in a manner that preserves the employee's privacy, yet ensures the integrity of the specimen collection process. An employee or applicant, who refuses to submit to testing, or properly comply with the testing procedures, shall be subject to immediate discharge.
- c. The Township will afford the applicant and/or employee subject to testing the opportunity, prior to testing, to list all prescription and non-prescription medications and controlled substances they have used and to explain the circumstances surrounding the uses of such medications and controlled substances. Failure of any employee or applicant to establish adequately a legal basis for the use of any illegal drug or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy.
- d. The Township's officers, employees, agents and representatives may use test result information in connection with Township business and for purposes of employment and disciplinary actions, and disclose it when required to government agencies and to others upon valid legal requests, legal proceedings and other situations to protect the interests of and otherwise in accordance with policies on employee data.
- e. An employee who tests positive for illegal drugs or alcohol will be subject to disciplinary action, up to and including discharge. An applicant who tests positive for illegal drugs or alcohol will not be hired. If the Township has a good faith belief that an employee has tampered with, adulterated, diluted, or substituted his/her sample, or has attempted to do any of the foregoing, the employee will be subject to immediate discharge.
- f. The Township, prior to taking any disciplinary action, will give all employees who test positive the opportunity for a hearing before the Township Committee. Adequate notice shall be given to the employee prior to the hearing.
- g. The Township will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with appropriate rules and regulations of all governments.

HEARING

After receipt of a request for a hearing by an employee who tests positive for alcohol, drugs or controlled substances, and upon receipt of the completed investigative report by the Administrator, the Township Committee shall conduct a hearing with notice to the employee as set forth below.

The accused employee shall be notified, in writing, at least ten (10) days before the hearing of the matter. The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel, however, the delay occasioned by such



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request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.

It is recommended that the accused employee seek legal counsel.

The accused employee shall be entitled to attend the hearing and testify on his/her own behalf. If allegations were made by another employee against the accused employee, the accused employee shall be entitled to confront and cross-examine that employee, unless legitimate grounds exist to preclude such cross-examination.

The accused employee shall be entitled to call witnesses on his/her own behalf and to introduce evidence which bears upon the issues presented by the investigative report.

At the conclusion of the hearing, the Township Committee shall have the sole discretion to impose discipline, which may include the termination of employment of such employee.

ASSISTANCE IN OVERCOMING ALCOHOL, ILLEGAL DRUG USE OR CONTROLLED SUBSTANCE ABUSE

Employees with alcohol, drug or controlled substance abuse problems are encouraged to request assistance from the appropriate Supervisor. Assistance will be provided on a confidential basis, and each employee will be referred to the appropriate treatment and counseling services.

TOWNSHIP REFERRAL

Employees who test positive for alcohol, illegal drug use or controlled substance abuse and who are referred, at the Township's request, for counseling or treatment will be limited to one opportunity for counseling or treatment. A second positive test for the use of alcohol, illegal drugs or controlled substances may result in immediate termination.

AUTHORIZED USE OF PRESCRIBED MEDICINE

An employee undergoing prescribed medical treatment with any drug or controlled substance that may impair physical or mental ability shall report this treatment to the Administrator. The Administrator, in consultation with the employee and the Supervisor, will determine whether the Township should temporarily change the employee's job assignment during the period of treatment.

SEVERABILITY

The provisions of this policy are severable and if any of these provisions shall be held to be unconstitutional, or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions.

TELECOMMUTING POLICY

The Township has established a telecommuting policy as a means to reduce the need for increased office space, increase productivity and improve morale. The Township's telecommuting policy is entirely voluntary and individual participation is solely a management prerogative.

TOWNSHIP OF BRANCBURG POLICIES AND PROCEDURES



Telecommuting is a substitute for commuting to and from work, where technology such as telephones, fax machines and/or personal computers are used to facilitate performance of work at the employee's home. Telecommuting arrangements can include:

1. Telecommute occasionally to complete a special project or task.
2. Telecommute only a portion of the day.
3. Telecommute on a scheduled, part-time basis.

CRITERIA FOR ELIGIBILITY

All employees are eligible for the Township's telecommuting program, provided the following criteria are met:

1. Employee must have a position that requires minimum resident contact.
2. Employee must be able to demonstrate that his/her duties can be fully performed and that his/her productivity and performance will be maintained or increased.
3. Employee must be able to demonstrate that his/her department will not suffer any negative effects.
4. Employee must be able to demonstrate that supervisory oversight will not be diminished.
5. Employee must supply all necessary telecommuting equipment, which must be compatible with the Township's equipment. Necessary equipment may include computers, printers, fax machines, telephone lines, etc.
6. Employee must absorb all costs associated with the use and maintenance of the equipment (such as phone charges, internet access charges, repair of equipment, etc.) and for all home office supplies (such as paper, printer cartridges, etc.).
7. Employee must absorb all additional costs incurred by the Township that would not have been incurred had the employee been working in the Township's offices (e.g., the cost of sending or receiving materials to and from the Township by overnight mail).
8. Employee must designate a specific work area within his/her home. The work area must be maintained in a safe and secure condition, free from hazards and other dangers to the employee, equipment, documents, records and information. Employee may be required to submit a diagram of the work area.
9. Employee is responsible for compliance with all individual tax/zoning requirements that may be implicated by the telecommuting arrangement.
10. Employee must have the approval of his/her Manager.

CONDITIONS OF PARTICIPATION

If an employee meets the foregoing Criteria for Eligibility, and if the employee's request to telecommute is granted, the following conditions will govern the employee's participation in the program:

1. Employee must be available (via telephone, email, etc) during normal business hours.



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2. Telephone calls, emails, etc. must be returned within an appropriate timeframe.
3. Employee will continue to work his/her prescribed workweek including hours, breaks, etc., and will continue to keep accurate records of hours worked. Employee will not work overtime except in accordance with the Township's overtime policy.
4. In no way shall a telecommuting arrangement exceed two full workdays per week.
5. Employee's salary and benefits are unaffected by this program.
6. The duties, obligations, responsibilities, and conditions of employee's employment remain unaffected. Employee must adhere to all Township policies and procedures including, but limited to, those that pertain to use and security of electronic equipment, reporting of injuries, confidentiality of Township information, etc.
7. Employee must appropriately restrict access to Township equipment and information through use of physical devices (e.g., locks) and electronic devices (e.g., computer passwords).
8. In the event of a circumstance which impairs the employee's telecommuting ability (e.g., faulty equipment), the employee will be required to return to the municipal offices immediately and until such time as the problem is corrected.
9. With reasonable advance notice, the Township may conduct on-site inspections during regular business hours of the employee's workspace to insure it is free from hazards, to insure that municipal records are kept in a safe and secure environment, to insure that the employee is working, and for other legitimate supervisory purposes. Inspections may be conducted of both physical items (e.g., desks, filing cabinets, etc.) and computer and other electronic equipment and files. Should exceptional circumstances exist, such inspections may be conducted without advance notice. Employee acknowledges that he/she has no reasonable expectation of privacy in connection with any work-related equipment or space.
10. At the sole discretion of the manager, the employee must report to work when ordered.
11. At the sole discretion of his/her Township, the telecommuting arrangement may be cancelled at any time.

PROCEDURE FOR MAKING TELECOMMUTING REQUEST

An employee wishing to telecommute must make a written request to the Township Administrator detailing how their request meets each of the Criteria for Eligibility. The Township Administrator will approve or deny each request based upon its own merits and circumstances.

If the request is approved, the employee must agree in writing to abide by each of the Criteria for Eligibility and the Conditions for Participation for the duration of the telecommuting arrangement.

WORKPLACE THREATS AND VIOLENCE POLICY

Nothing is more important to the Township than the safety and security of its employees. Any type of workplace threats or violence -- including threatening behavior or language, physical contact, acts of intimidation and/or weapons possession -- on Township property or in connection with Township duties, by or against employees, is strictly prohibited.

TOWNSHIP OF BRANCBURG POLICIES AND PROCEDURES



As a Township employee, you are responsible for doing the following:

- Notifying the Administrator immediately if you witness or learn about any such threatening or violent acts on Township property or in connection with Township duties. You must report such behavior regardless of the identity of the person engaging in the behavior and regardless of the identity of the person who is the victim of the behavior.
- Notifying the Administrator if you have applied for or obtained a protective or restraining order which lists Township property as a protected area. A copy of the application and/or order should also be supplied.

All complaints of workplace threats or violence will be immediately investigated. Any person who engages in such behavior on Township property will be removed from the premises as quickly as safety permits and shall remain off of Township property pending investigation. Should an investigation substantiate that violations of this policy have occurred, the Township will take appropriate action including, as appropriate, reassignment of duties, suspension or termination of employment, termination of any business relationship, and/or arrest and prosecution.

To the extent possible under the circumstances, the Township will protect the privacy of all reporting employees.

Remember, the Township has “zero tolerance” for workplace violence. Your cooperation in reporting threats and violence is essential to the success of this policy.

NON DISCRIMINATION POLICIES

Equal Employment Opportunity

It is the policy of the Township of Branchburg to treat all applicants and employees in a fair and non-discriminatory manner without regard to race, religion, creed, color, national origin, ancestry, age, sex, marital status, affectional or sexual orientation, genetic information, atypical hereditary or cellular blood type, liability for service in the Armed Forces of the United States or handicap/disability unless such handicap/disability effectively prevents the performance of essential duties required by the position and cannot be reasonably accommodated without undue hardship. The Township shall operate within the principles of equal employment opportunity and affirmative action guidelines set forth in Federal, State and local laws and regulations.

All activities relating to employment, including recruitment, testing, selection, promotion, training, compensation, evaluation, discipline and termination shall be conducted in a nondiscriminatory manner.

The Township of Branchburg will cooperate fully with all organizations and Commissions organized to promote fair practices and equal employment opportunity.

An employee who violates the Township’s Equal Employment Opportunity policy will be subject to discipline, up to and including termination.



TOWNSHIP OF BRANCHBURG POLICIES AND PROCEDURES

NON HARASSMENT POLICY

The Township believes that its employees have the right to a working environment free of all forms of discrimination, inappropriate conduct and harassment. Harassment based on an individual's age, sex, race, color, religion, national origin, ethnicity, handicap/disability, marital status, sexual orientation or other protected characteristic is expressly prohibited and will result in appropriate disciplinary action. This policy applies to all employees, whether supervisory or non-supervisory, whether Probationary, Regular, Temporary or Seasonal.

DEFINITION

Prohibited harassment can take many forms. Generally, prohibited harassment is any unwanted verbal, nonverbal or physical conduct which occurs because of a person's protected characteristic (such as race, sex, etc.) which a reasonable person would find threatening, intimidating, pestering, annoying, or insulting.

State and federal laws provide additional definitions of unlawful harassment. According to guidelines adopted by the Equal Employment Opportunity Commission, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, by either a male or female, when:

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

In addition, sexual harassment can even be conduct that is not sexual in nature, but which occurs because of the person's sex. Thus, it is illegal to subject an employee to any harassing conduct because of the employee's sex.

It is not possible to specify all of the circumstances that may constitute sexual harassment. Examples of conduct that we deem to be inappropriate include:

- Verbal conduct, such as sexual innuendo, suggestive comments, insults, threats, jokes, or sexual propositions;
- Non-verbal conduct, such as leering, obscene gestures or displays of sexually-oriented materials such as cartoon and photographs; and
- Physical conduct, such as patting, pinching, squeezing, brushing the body, blocking access or assault.

Although the foregoing examples relate to sexual harassment, the Township's non-harassment policy applies equally to harassment on the basis of any protected characteristic, including age, race, color, religion, national origin, ethnicity, handicap/disability, marital status, sexual orientation.

COMPLAINT PROCEDURE

If you feel you or other employees have been subjected to harassment of any kind, you must immediately report the matter to any one of the following persons: (1) your Supervisor, (2)

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any Supervisor with whom you feel comfortable, or (3) the Township Administrator. If the person committing the harassment is any one of these persons, then you should not report the matter to that person, but rather to one of the other identified persons. Supervisors who receive harassment complaints must in turn immediately contact the Township Administrator and relay the complaint or, if the Township Administrator is the alleged harasser, the Supervisor must immediately contact a member of the governing body and relay the complaint.

All complaints will be investigated promptly, impartially and discreetly. All complaints will be kept confidential to the extent possible. As part of the investigation, the Township may request that the complaining employee, the alleged harasser and/or other witnesses be interviewed and give written statements. In no event will the complaining employee be forced to confront the alleged harasser.

Upon completion of the investigation, the appropriate parties will be notified of the findings. Any Township employee who has been found to have harassed an employee, or any person who has business with the Township, will be subject to appropriate corrective action.

A complaining employee will be instructed to bring to the attention of the Township any future occurrences of harassment. The Township will also follow up periodically with the complaining employee to ensure that no other objectionable behavior has occurred.

No employee will suffer retaliation in any form for reporting instances of harassment or for assisting in the investigation of a complaint, except in those rare cases where an employee is found to have intentionally made a false allegation of harassment.

CORRECTIVE ACTION

Corrective action may range from a disciplinary warning to termination, depending on the nature and severity of the harassment, repetition and prior behavior or warnings.

Township employees are expected to act responsibly to maintain a pleasant working environment, free of discrimination or harassment, allowing each employee to perform to his or her maximum potential. The Township encourages any employee to bring questions he or she may have regarding this policy to the attention of the Township Administrator.

HOURS OF WORK AND ATTENDANCE POLICIES

WORK HOURS

Work hours for probationary and regular full-time employees shall be consistent with the hours specified by the employee's Supervisor and Administrator.

Work hours for part-time, temporary and seasonal employees shall be established by the Supervisor and the Township Administrator and shall be adhered to as agreed upon, unless the employee makes prior arrangements with the Supervisor and Administrator.

The workweek, excluding the Police Department, shall be defined as a seven-day period beginning on Monday and ending on Sunday unless otherwise designated.

Work hours, unless otherwise designated, are 8:00 AM to 4:30 PM. Employees must be at their designated work area on time and ready to work at that time.



TOWNSHIP OF BRANCHBURG POLICIES AND PROCEDURES

LATENESS

Punctuality in public service is of the utmost importance. Tardiness shall be recorded on the attendance report/time sheet.

Chronic or recurring tardiness shall be reported to the Administrator and appropriate action taken.

An employee who is or is going to be late for work must contact his/her Supervisor as soon as possible, and in no event later than fifteen (15) minutes after his/her scheduled start time, except in cases of emergencies. The employee must attempt to personally speak with his/her Supervisor if he/she is in (voice mail is not sufficient if the Supervisor is in). The employee must state the reason for his/her tardiness.

Employees who recognize that they will be late in returning from lunch shall notify the Supervisor immediately and report both the reason for lateness and the expected arrival time.

ABSENCES

Scheduled absences such as vacations, personal leave, jury duty and compensatory time off shall be scheduled in advance with the employee's Supervisor. All requests for time off must be submitted in writing to the Supervisor.

An employee who has an unscheduled absence (including sick days) must contact his/her Supervisor as soon as possible, and in no event later than fifteen (15) minutes after his/her scheduled start time, except in cases of emergencies. The employee must attempt to personally speak with his/her Supervisor if he/she is in (voice mail is not sufficient if the Supervisor is in). The employee must state the reason for his/her absence.

Failure to report unscheduled absences shall constitute an unexcused absence and may result in disciplinary action and loss of benefits for which the employee would otherwise be eligible.

Unexcused absences shall be charged against employee's accrued compensatory time, personal time and vacation time, in that order. In the event there is no time accumulated in these categories, the time off from work will be charged as time off without pay.

Unexcused absences for three (3) consecutive working days in a calendar year or failure to return when scheduled from any leave of absence without prior notice shall be considered a resignation.

EXTREME WEATHER CONDITIONS AND OTHER EMERGENCIES

All employees are expected to report to work as scheduled unless notified that the Township offices will be closed.

If an employee is unable to report for work on time or at all due to extreme weather conditions, he/she must call in to report his/her tardiness or absence to the Supervisor as soon as possible and in no event later than fifteen (15) minutes after his/her scheduled start time.

If an employee cannot report to work because of severe weather conditions, the time lost from work will be charged against accumulated compensatory time, vacation time and personal leave, in that order. In the event there is no time accumulated in these categories, the time off from work will be charged as time off without pay.

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The decision to close the Township administrative offices shall be made by the Mayor and Administrator, who shall notify the Police Department.

In the event of extreme weather conditions or other emergency necessitating the closing of Township administrative offices, Supervisors and employees should call the Municipal Building for instructions.

WORK BREAKS

Each employee is permitted one ten (10) minute break between the start of work and their lunch break, and one ten (10) minute break after lunch. Breaks shall be taken as scheduled by the Supervisor.

PROFESSIONAL DEVELOPMENT POLICIES

TRAINING AND CONTINUING EDUCATION

Due to State and Federal regulations and new technologies requiring specialized training for certain employees, the Township will, to the extent that such training is available and to the extent that funds are available, provide employees with the opportunity to receive suitable continuing education and training which will enhance their performance and contribute to Township operations.

Course of study, graduate or undergraduate college courses shall be of benefit to the Township and pre-approved (i.e., prior to commencement of course work) by the Township Committee. The Administrator will then pre-approve subsequent course work each semester.

Approval for reimbursement will be made on the following criteria and will be paid one year after the completion of the course, provided the employee is still employed by the Township:

Equivalent of B or higher	100% reimbursement
Equivalent of C or higher	50% reimbursement
Grade below C or equivalent	No reimbursement

CONVENTIONS, CONFERENCES AND SEMINARS

All Conference and Convention expenses for which the employee is seeking Township support must be included in the Municipal Budget prior to adoption of said budget. Supervisors should project such requested expenses at budget time, with appropriate justification. The Township Committee will determine which Conference and Convention expenses remain as part of the Budget. There will be no approval for an employee to attend a Conference or Convention unless there is sufficient budget authority.

Regular full-time employees may submit a request to participate in conferences, conventions and seminars which contribute to the employee's career development or to the operations of the Township.

Requests must be submitted and approved by the Supervisor and the Administrator for conventions, conferences and seminars if:

- a) the event occurs during the employee's normal working hours; and/or
- b) the employee wishes reimbursement or payment for all or part of the costs of the event.



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Costs eligible for coverage by the Township include registration, meals, travel expenses and the cost of lodging if the program requires participation of more than one (1) day in duration.

The Township Committee may approve or disapprove all or part of the request for cost coverage. The Township may elect to pay for approved expenses by reimbursement to the employee or directly to the vendor.

Meals

A maximum per diem rate of fifty dollars (\$50.00) to cover meals and gratuities. Miscellaneous related expenses will be allowed and reimbursed at actual cost based upon the submission of receipts.

Registration, Hotel and Travel Expenses

Travel by common carrier will be paid as long as travel is at tourist or coach rates. The lowest possible fares should be sought, including group plans arranged by the sponsoring organization. Wherever possible, travel by common carrier should be arranged with a purchase order.

Rental car cost will generally not be an allowable expense unless approved in advance by the Administrator after a showing by the employee that it is a necessary expense. For National Conferences, (those not sponsored by a New Jersey Professional Association) the Township will cover the entire registration cost, one-half of the standard cost of the hotel, one-half the cost of travel at tourist or coach rates.

New Jersey State League of Municipalities Conference

Employees authorized to attend the annual convention will be guided by the policies stated above, with the following exceptions:

- a) maximum of two (2) evenings lodging will be permitted, unless authorized by the Township Administrator.
- b) lodging must be at a hotel arranged by the Township. In the event the employee's sessions are at a location distant from the Township lodging, the employee may make alternate arrangements, but will not be reimbursed beyond the level charged for Township arranged lodging.

PROFESSIONAL DUES/STATE LICENSING

The Township pays for all state licensing for the Administrator, Supervisors and Professional Staff if such funds have been approved in the current budget and if the membership is job related.

TOWNSHIP OF BRANCHBURG
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COMPENSATION POLICIES

PAY PERIODS

Township employees are paid every other week, in equal increments.

PAYCHECKS

As of January 1, 2018 all paychecks will be distributed via direct deposit without exception. The Finance Department shall compute earnings as well as deductions. Employees receive, with each paycheck, a statement of earnings and deductions, for the period covered by the payment.

Changes in rate, position and status shall be supported by an approving Resolution adopted by the Township Committee and shall be made a part of the personal history record of the employee.

Employees may direct inquiries concerning payroll matters to the Finance Office.

PAYROLL DEDUCTIONS

Deductions required by law or that are voluntary shall be deducted from each employee's check.

It is the employee's responsibility to maintain current payroll deduction information with the Payroll Clerk. Employees wishing to add or change their payroll deductions should contact the Payroll Clerk.

GARNISHMENT

The Township may be required to garnish an employee's pay by court order. Applicable Federal and State Laws will apply.

TIME SHEETS

Accurate time records are to be completed by the employee and must be submitted and approved by his/her Supervisor and shall include: employee name; employee number (if applicable); department; pay period; hours to be compensated broken down on a daily basis into hours worked; holiday time, sick leave, compensatory time, flex time, vacation, leave without pay, etc; and Supervisor's signature.

Falsification of time records for payroll purposes is reason for discipline as per the Administrative Policy on EMPLOYEE CONDUCT.

OVERTIME

In most cases, employees shall be assigned work that will not require attendance beyond the normal working hours for their departments. However, the Township shall have the right to require employees to work overtime and to determine, pursuant to departmental rules and regulations, the circumstances under which employees shall work overtime. Overtime pay will be paid in the next regular pay period.

Overtime shall be kept within the constraints of the department budget. Overtime must be pre-approved by the Supervisor and Administrator. In the case of an emergency, overtime is



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to be approved by either the Supervisor, Administrator or Mayor. Failure to adhere to this policy may result in disciplinary action up to and including possible termination.

Eligibility for Overtime

In accordance with the Federal Fair Labor Standards Act, employees who work in excess of their regular working hours in a workweek will be paid additional compensation at their normal hourly rate for all hours worked up to forty (40) hours. Employees who work in excess of forty (40) hours in a work week will be paid overtime compensation at one and one-half (1½) times their regular rate of pay for all hours worked in excess of forty (40) hours. In accordance with Federal law, sick time is not considered regular working hours and is not counted as “hours worked”.

The following positions are considered exempt and are not paid overtime compensation:

- Township Administrator
- Township Clerk
- Chief Finance Officer
- Assistant Administrator
- Chief of Police
- Police Captain
- Engineer
- Assistant Engineer
- Director of Public Works & Facilities
- Assistant Director of Public Works

Overtime hours worked shall include holiday, vacation day, personal day or bereavement day taken by employee during the week.

HOLIDAY/SUNDAY/CALL IN PAY

Unless an applicable collective bargaining agreement provides otherwise, hours worked on Sundays and holidays by non-exempt employees shall be paid at one and one-half (1½) times the employee’s regular rate of pay. Hours worked as a result of being called in to service on days other than holidays and Sundays shall be compensated in accordance with the regular overtime policy.

FLEX TIME POLICY

For budgetary control the Township may employ a flextime schedule wherein an employee’s hours will be varied to limit or reduce the occasion of overtime. Said schedule shall be established on an individual basis by the Administrator and will be used whenever possible to control overtime expenses to the Township.

DATE OF HIRE/ANNIVERSARY DATE

Date of hire and anniversary date shall mean the effective date of the individual's employment with the Township.

An employee whose date of hire is after August 1 of any calendar year will not be entitled to a salary increase in the following calendar year.

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There will be no change in an employee's anniversary date in the following instances: Transfer of an employee to a new position when there have been no recent, abrupt and/or significant changes in assigned tasks and responsibilities.

CHANGE IN STATUS/WORKING OUT OF CLASSIFICATION

CHANGE IN STATUS

An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, in lieu of layoff, for reasons of disability or incapacity, department reorganization, etc.) will receive a reduction in pay commensurate with the position to which he/she is assigned as determined by the Township Committee in consultation with the Administrator and others as necessary.

A change in status does not change the person's date of hire.

Employees in position classifications which are downgraded (or upgraded) in salary to reflect changes in market conditions will retain their existing anniversary date.

WORKING OUT OF CLASSIFICATION PAY

Actual salary for "acting" positions is set by the Township Committee in consultation with the Administrator and Supervisor.

TIME OFF AND LEAVE POLICIES

VACATION

An employee's vacation entitlement increases as his/her length of service increases.

Employees without prior government service:

New Hires (hires without prior government service or a break in continual service) earn vacation as follows:

<u>Length of Service</u>	<u>Vacation Entitlement</u>
During First Calendar Year	½ day for each full calendar month worked, (maximum of six days) which shall not be earned until the completion of the month
Completion of years:	
1-4 Years	10 days per year, which shall be earned on January 1 of the year after anniversary date
5-9 Years	15 days per year, which shall be earned on January 1 of the year after anniversary date
10+	15 days plus 1 day for each calendar year completed, which shall be earned on January 1 of the year after anniversary date.

Employees with government service:

New hires with continuous, full-time, government service with a prior employer(s) are provided vacation entitlement based upon their continuous years of service in government up to a maximum of ten (10) years credit for purposes of computing annual vacation



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entitlement. Accrued vacation time shall run with the calendar year and will be prorated during the first year of service in accordance with the following:

New full-time employees hired between January 1 and April 30 of any year will be entitled to 100% of their vacation allocation. New employees hired between May 1 and August 31 will be entitled to 66%. New employees hired between September 1 and December 31 will be entitled to 33%.

For full-time employees who have 10+ years of service and were hired prior to October 22, 1990, there is no maximum accrual. For all other full-time employees, there is a maximum accrual of 30 days per year.

Eligible part time employees are entitled to vacation in proportion to hours/days worked. Part-time employees who become full-time employees shall be credited with ½ year of full-time service for each year worked on a part-time basis.

Employees are encouraged to take vacation in periods of at least one (1) week. Vacation requests must be approved in advance by Supervisor, who will consider the scheduling needs of the department. Supervisors may take two or more consecutive weeks but must receive permission from the Township Administrator. Other employees wishing to take two or more consecutive weeks must receive permission from their Supervisor and approved by the Township Administrator.

Employees must request the carryover of any unused vacation from the Township Administrator by December 31 of the current year. A maximum of 10 days unused vacation may be carried over to the following year. Any such carried over vacation must be used by April 30 of the following calendar year or will be lost.

Prior to April 30 of the calendar year the Administrator may, upon written request from the employee, consider and approve compensation in lieu of unused vacation from the prior year, not to exceed five days. Such compensation is contingent upon sufficient funds remaining in the department's line item from the previous year and such requests are limited to the following exempt employees:

- Township Administrator
- Township Clerk
- Chief Financial Officer
- Assistant Administrator
- Police Chief
- Police Captain
- Township Engineer
- Assistant Engineer
- Director of Public Works
- Assistant Director of Public Works

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HOLIDAYS

The Township shall recognize the following holidays off with pay for regular full-time employees:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving
- Afternoon of Christmas Eve
- Christmas Day
- Afternoon of New Year's Eve

Lincoln's Birthday, Good Friday and General Election Day have been exchanged for three "floating" holidays, which regular full-time employees may take during the calendar year. Unused floating holidays may not be carried over to the following year. Scheduling of floating holidays must be approved in advance by the Supervisor.

When an Official Holiday falls on a Sunday, the following Monday shall be observed as that holiday. When an Official Holiday falls on a Saturday, the preceding Friday will be observed as that holiday.

If a holiday falls on a part-time employee's regularly scheduled work time, the employee shall receive regular pay for the holiday. If a holiday falls at a time when a part-time employee is not regularly scheduled to work, the employee shall not be paid for that holiday.

New full-time employees hired between January 1 and April 30 of any year will be entitled to three (3) floating holidays. New employees hired between May 1 and June 30th will be entitled to two (2) floating holidays. New employees hired after July 1st are not entitled to Floating holidays in the year they were hired.

SICK LEAVE

An employee will accumulate one (1) sick day with pay for each full month worked, which may be accumulated and carried over from year to year up to a maximum of 60 days. Sick days may only be taken for an employee's own illness or approved family leave.

An employee who is sick for three (3) or more continuous workdays (excluding weekends) shall provide a physician's statement to the Supervisor upon return to work. Upon recommendation of the Supervisor, the Administrator may require an employee on sick leave to provide a physician's statement either during sick leave or after returning to work regardless of the number of continuous sick days.

The Administrator may require an employee who has been on sick leave for more than five (5) continuous work days (excluding weekends) to report to the Township Physician for examination and report to the Township Administrator.

Eligible part-time employees shall accumulate sick time based on their regularly scheduled weekly work hours.



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PERSONAL DAYS

All full-time employees are entitled to three (3) personal days during the calendar year. Any personal days not used may not be carried over.

New full-time employees hired between January 1 and April 30 of any year will be entitled to three (3) personal days. New employees hired between May 1 and August 31 will be entitled to two (2) personal days. New employees hired between September 1 and December 31 will be entitled to one (1) personal day.

FAMILY AND MEDICAL LEAVE

Full-time (and some part-time) employees may be entitled to family and medical leave under the Federal Family and Medical Leave Act (“FMLA”) and the New Jersey Family Leave Act (“NJFLA”) both of which shall run concurrently if an employee is on an approved leave. The Township may also provide additional rights that are not required by these laws. The following is a summary of your rights under the FMLA, the NJFLA and Township policy.

COORDINATION OF FMLA AND NJFLA LEAVES

When an employee takes a type of leave that is available under both the FMLA and the NJFLA (leave for the birth of a child; placement of a child for adoption or foster care; and leave to care for a family member with a serious health condition) the Township will run the leaves concurrently, that is, each week (or day, etc.) of the leave will count against the employee’s leave entitlement under both the FMLA and the NJFLA.

When an employee takes a type of leave that is only available under the FMLA (leave due to the employee’s own serious health condition) the leave will only count against the employee’s leave entitlement under the FMLA and will not reduce the employee’s leave entitlement under the NJFLA.

Additional Information

If you have any questions regarding your rights to family and medical leave, please contact the Township Administrator.

FAMILY LEAVE ENTITLEMENT

In accordance with New Jersey law, employees who have worked at least one thousand (1,000) hours in the twelve (12) month period immediately preceding the first day of leave may request up to twelve (12) weeks of unpaid leave (during any twelve (12) month period) for the following reasons:

1. The birth of a child and in order to care for the child; or
2. The placement of a child with the employee for adoption or foster care; or
3. To care for a spouse, civil union partner, domestic partner, child, parent, or parent-in-law who has a serious health condition.

Leave for the birth of a child or placement of a child for adoption or foster care must be taken within twelve (12) months from the date of birth or placement.

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MEDICAL LEAVE ENTITLEMENT

In accordance with Federal law, employees who have worked at least one thousand two hundred fifty (1,250) hours in the twelve (12) month period immediately preceding the first day of leave may request up to twelve (12) weeks of unpaid leave (during any twelve (12) month period) due to the employee's serious health condition.

If you have questions regarding the meaning of "serious health condition," please contact the Township Administrator.

Notice Requirements

If the need for leave is foreseeable based on the birth of a child, the placement of a child for adoption/foster care, or planned medical treatment for the employee, the employee is required to give not less than thirty (30) days advance notice before the leave is to begin. With respect to unforeseeable leave, the employee must provide notice as soon as practical under the circumstances. Moreover, an employee requesting a leave for the foreseeable treatment of a serious medical condition may be required to schedule the treatment "so as not to disrupt unduly the operations of the Employer", where this is possible.

If the need for leave is foreseeable based on the serious health condition of an immediate family member, the employee is required to give not less than fifteen (15) days advance notice before the leave is to begin. With respect to unforeseeable leave, notice must be given as soon as possible under the circumstances.

Employees must complete leave request forms provided by the Township.

Medical Certification

Employees may be required to submit a medical certification from a health care provider, documenting their own serious health condition or that of their family member. The Township will provide the medical certification. If the leave is foreseeable the employee should provide the medical certification before the leave begins. If the need for leave is not foreseeable, the certification should be provided as soon as possible under the circumstances.

In cases where the Township does not agree with the assessment of the employee's health care provider, the Township may require a second opinion at the Township's expense by a physician not employed for any purpose by the Township. In the case of a conflict between the first two opinions, the Township may require, and must pay for, a third opinion by a physician jointly designated by the Township and the employee. The third opinion will be binding.

Required Use of Accrued Paid Leave

Employees taking leave on account of their own serious health condition, or to care for a family member with a serious health condition, must first use any available accrued paid leave (including sick days, vacation days, personal days, and floating holidays). After the employee has used all available paid leave, the remainder of the leave is unpaid.

Employees taking leave for the birth of a child or placement of a child for adoption or foster care must use any available accrued paid leave, excluding sick days. Employees taking such leave may, but are not required, to use accrued sick days. After the employee



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has used all available paid leave (including sick days only if the employee elects to use sick days), the remainder of the leave is unpaid.

Benefits During Leave

The Township will continue an employee's health care coverage during the period of the leave so long as the employee continues to pay their portion of medical costs. If the employee fails to return after the leave, the Township may recover the actual costs of the coverage, except if the basis for the failure to return is beyond the employee's control. This would include a serious health condition of the employee. The recovery process will be considered on an individual basis and will be up to the discretion of the Township.

An employee who takes family or medical leave is not entitled to the accrual of additional benefits or seniority that would have occurred during the period of leave. However, employees are entitled to accrue hours or service (service credit) during periods of paid leave.

Job Restoration

An employee is entitled upon return from leave to be reinstated to his/her previous position of employment, or to an equivalent position with equal pay, benefits and other terms and conditions of employment.

However, employees who are defined as "key employees" under the FMLA may be denied job restoration under certain circumstances.

Intermittent/Reduced Schedule Leave

When leave is requested for the serious health condition of the employee or the employee's family member, leave may be taken on an intermittent or reduced schedule basis when medically necessary.

Requests for intermittent/reduced schedule leave in connection with the birth or placement of a child are considered at the discretion of the Township, and do not have to be approved. The Township will approve or deny a request for intermittent/reduced schedule leave based on the Township's needs in the department or job which would be affected by such a request.

Reduced schedule leave is when the employee works less than his or her normally scheduled daily or weekly hours. Intermittent leave is leave taken in separate blocks of time.

During the course of an intermittent or reduced schedule leave, the Township may require that the employee transfer temporarily to an alternate position with equal pay and benefits that better accommodates the recurring periods of leave. Failure to accept the alternate position may be grounds to deny the intermittent or reduced schedule leave.

BEREAVEMENT LEAVE

All employees shall be entitled to paid bereavement leave of five days in the case of the death of an immediate member of his/her family, spouse's family, civil union partner's family or domestic partner's family. An immediate member of the family is defined as spouse, domestic partner, child, parent, brother or sister, grandparent, grandchild, mother-in-law,

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father-in-law, son-in-law, daughter-in-law, brother-in-law or sister-in-law. It shall also include any person who was a permanent resident in the member's household.

Two days paid bereavement leave shall be granted in the case of the death of an aunt, uncle, niece or nephew.

MILITARY LEAVE

It is the policy of the Township to grant employees military leaves of absence in accordance with all applicable Federal and State laws, including the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), 38 U.S.C. 4301 *et seq.* and N.J.S.A. Titles 38 and 38A. When Federal law provides greater rights and benefits than State law, Federal law will be applied. When State law provides greater rights and benefits than Federal law, State law will be applied.

Employees should contact the Administrator for details regarding their military leave rights.

PERSONAL LEAVE OF ABSENCE

A personal leave of absence is an authorized absence from work which an employee may request for various reasons, including: continued sickness after exhaustion of sick leave; continuing education; and other personal circumstances. If an employee's request for personal leave is granted, the employee will be required to use any available accrued paid leave (including sick days, vacation days, personal days, and floating holidays). After the employee has used all available paid leave, the remainder of the personal leave is unpaid.

A leave of absence may be requested by any employee who shall submit in writing all facts bearing on the request to his/her Supervisor. The Supervisor will forward the request, with his/her recommendations to the Administrator for consideration by the Township Committee. Each case will be considered on its merits and without establishing a precedent.

Unless otherwise allowed by the Township Committee, the leave of absence shall not exceed twelve (12) months.

Employee benefits including, but not limited to group insurance, vacation and sick time, will not be provided during a personal leave of absence. Rights to the same employee benefits will not accrue during a personal leave of absence.

BLOOD BANK

All employees are encouraged to donate whole blood or plasma to the Blood Bank.

Time off with pay may be granted for volunteering provided time off has the prior approval of the employee's Supervisor and Township Administrator.

JURY DUTY LEAVE

Any employee serving on jury duty will receive regular compensation and is expected to report for work any time not required to be in attendance as a juror. Compensation paid for jury service up to five dollars (\$5.00) per day may be retained by the employee; compensation in excess of five dollars (\$5.00) per day shall be paid over to the Township.



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STAFF MEMBERS WHO ARE VOLUNTEER FIRE COMPANY OR RESCUE SQUAD MEMBERS

Employees, who are members of either a Volunteer Fire Company or Rescue Squad, which serve the Township of Branchburg, shall be excused from attendance during their regular hours of employment for an emergency and only for the duration of said call. (NJSA 40A:9-160.1) Employees must notify their Supervisor that they are leaving work to respond to a call, and must secure their work area, absent emergency conditions.

EMPLOYEE BENEFITS

The following benefit descriptions are provided for general information purposes only. In the event of a discrepancy between these descriptions and the official benefit plan documents; the official plan documents shall govern.

Please refer to the “Types of Employment and Eligibility for Benefits” policy for specific information on which employees are entitled to benefits.

GROUP MEDICAL INSURANCE

In accordance with New Jersey law, the Township offers to all regular full-time employees and all eligible dependents group medical insurance through the State Health Benefits Program or other equivalent carrier.

Coverage becomes effective after 60 days of employment. Specific benefits of the plans are described in insurance brochures provided to each new employee by the Finance Department. During open enrollment periods established by the carrier an employee may elect to change medical plans.

When an employee retires after 25 years of Township service, employee shall receive paid medical benefits for him/herself. When an employee retires after 50 years of Township service, the employee shall receive paid medical benefits for him/herself and spouse, domestic partner or civil union partner.

Any employee hired after August 10, 2009, will not be eligible for paid retirement medical benefits.

Enrollment cards should be completed in the following instances:

1. New, full-time employees beginning service with the Township, or part-time employees beginning full-time service with the Township.
2. Full-time employees wanting to add an eligible dependent.
3. Full-time employees who want to drop a dependent.

Enrollment cards are available from the Finance Department. It is the employee's responsibility to notify the Finance Department of any change in dependent status by completing updated enrollment cards.

GROUP DENTAL PLAN

The dental program is limited to full-time employees. Other employees not receiving automatic coverage may purchase, if permitted by the carrier, family coverage through payroll deductions. Coverage becomes effective 60 days after employment commences.

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Enrollment cards should be completed in the following instances:

1. New, full-time employees beginning service with the Township, or part-time employees beginning full-time service with the Township.
2. Full-time employees wanting to add an eligible dependent.
3. Full-time employees who want to drop a dependent.

Enrollment cards are available from the Finance Office and it is the employee's responsibility to notify the Payroll Clerk of any change in dependent status by completing updated enrollment cards.

Enrollment is processed through the Finance Office.

DISABILITY BENEFITS

All regular full-time employees are eligible for disability benefits (i.e., partial salary continuation) 90 days after full-time employment. Disability will be paid to an employee for illness or injury that is not job related. All employees must wait 30 days (20 working days) before disability will pay up to 70% of base salary but not to exceed the maximum determined annually by the State of New Jersey for the State's disability insurance plan. During the waiting period employees may use available sick, personal or vacation time to receive their regular salary with continued payments contingent upon the carrier's approval. It is the final decision of the Township's carrier as to eligibility for disability benefits. All forms, which are available through the Finance Office, must be completed and returned to the Township's carrier as soon as possible.

Disability Leave: employees who are receiving disability benefits under the Township's disability pay policy may be granted a leave of absence for the period they are receiving disability pay, up to a maximum of six months. If the employee is eligible for FMLA leave, leave granted under the disability policy will count against the employees FMLA leave entitlement.

An employee who has exhausted their disability leave may request a personal leave of absence for a period to be determined.

DEFERRED COMPENSATION

The Township provides an option to any regular employee to invest a portion of his/her present earnings in a deferred compensation plan. This is an arrangement where a certain dollar amount can be designated by the employee to be withheld from his/her paycheck, invested and then paid out at a later date, usually at retirement, when most people are in a lower income bracket. Under this arrangement, neither the deferred amount, nor earnings on the investments, are subject to current Federal income taxes until such time as the employee receives payment from the plan.

The Township-approved program includes various investment options and is currently administered by VALIC. Enrollment can be arranged through the Payroll Clerk and is open to any Regular employee with the Township. Contributions to the program are financed solely by the employee by payroll deduction.



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LIFE INSURANCE

All full-time employees are covered by a term life insurance policy paid for by the Township. Coverage is effective after three complete calendar months of employment.

Specific benefits and terms of the policy are provided to each new employee by the Finance Department. Additional copies are available from the Finance Department.

Upon termination of employment with the Township, the employee may convert the policy to a comparable individual policy of life insurance without furnishing evidence of insurability provided the application and payment of the first premium is made to within 31 days after termination of employment.

It is the employee's individual responsibility to keep information on file related to this policy up-to-date as to name, address, and beneficiary(s).

Additional information concerning life insurance is available through the Finance Department.

RETIREMENT SYSTEM

Employees are enrolled in the State of New Jersey Public Employee Retirement System (PERS) in accordance with the rules and regulations established by PERS.

Retirement benefits are funded through both employee and employer contributions. Contributions to the retirement system are mandatory for eligible positions and are deducted from the employee's salary each payroll period.

The Retirement System provides for normal retirement benefits and disability retirement benefits when an employee meets the plan requirements.

Annual benefit statements are provided by the Retirement System to participating employees. Employees may request an estimate of benefits from the Retirement System at any time to obtain an approximate projected retirement benefit figure.

Enrollment and benefits forms are available through the Finance Department. It is the employee's individual responsibility to keep information on file up to date related to their retirement account as to name, address and beneficiary(ies).

Employees who plan to retire from the system are encouraged to contact the Retirement System at least 90 days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. This action should also be coordinated with the Finance Department.

UNEMPLOYMENT COMPENSATION

The Township is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its former employees during short periods of involuntary unemployment.

The Township may contest the claim of an employee who quits without "good cause" or who quits for other reasons considered disqualifying.

Application for unemployment compensation is made through the State of New Jersey.

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WORKERS COMPENSATION

All employees are covered by Worker's Compensation, a program of insurance to protect workers, their families and dependents from loss due to a job related accident or illness.

Financing for this program is by the Township.

Any employee involved in a job related injury or an occupational illness must report the incident to his/her immediate Supervisor within 24 hours or as soon thereafter as possible. The affected employee shall also file an application for Worker's Compensation in accordance with applicable laws, rules or regulations.

An employee who incurs a work-related illness or injury must elect whether to receive paid leave from the Township or worker's compensation benefits paid at 70% of base wages up to the State maximum. If the employee has elected to receive workers' compensation benefits, the Township cannot require the employee to substitute any paid vacation or leave. All time off will run concurrent with the Family and Medical Leave Act.

Hours lost due to the injury or illness should be reported on the employee time sheet as "Workers Compensation" and such hours will not be charged against the employee's accrued sick leave, vacation leave or personal days.

DISPUTE RESOLUTION POLICIES

A "grievance" shall mean a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of Township's Policies and Procedures.

An employee wishing to file a grievance shall follow the following procedure:

Step 1: An employee must present a grievance within ten (10) working days of its alleged occurrence to the employee's Supervisor, (or appropriate appointing authority if the employee reports directly to the appointing authority) who shall attempt to resolve it within five (5) working days after it is presented to them.

Step 2: If the employee is not satisfied with the solution by the Supervisor, the employee must submit the grievance, in writing, to the Township Administrator within five (5) working days after the Supervisor's response. This written notice shall include the following:

- (a) Statement of the grievance and relevant facts.
- (b) Remedy sought.
- (c) Reasons for dissatisfaction with the Supervisor's solution.

The Administrator shall attempt to resolve the grievance within five (5) working days after it has been presented to him/her.

Step3: If the employee is not satisfied with the solution by the Administrator, the employee must submit the grievance, in writing, to the Township Committee within five (5) working days after the Administrator's response. This written notice shall include the following:

- (a) Statement of the grievance and relevant facts.
- (b) Remedy sought.
- (c) Reasons for dissatisfaction with the Administrator's solution.



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No part of the above procedure shall be in conflict or violation of other State or Federal laws and regulations.

No punitive action shall be carried out against the employee for utilizing the grievance procedure outlined above.

PERFORMANCE MANAGEMENT POLICIES

PERFORMANCE EVALUATIONS

Purpose

The primary purpose of employee performance evaluations is to review the performance of the employee, based on pre-established performance standards. Regular performance evaluations give employees and Supervisors the opportunity to discuss job tasks and related goals.

Performance evaluations shall also be considered in decisions affecting salary advancement, disciplinary action and training needs.

Periods of Evaluation

1. End of probation period: Probationary employees are subject to a performance evaluation prior to completion of their probationary periods by their Supervisor. Probationary employees must receive an overall rating of "satisfactory" in order to continue their employment in the Township service.
2. Annual: Regular part-time and full-time employees shall receive an annual evaluation of their performance once each calendar year during the month of November. Those employees reporting directly to the Township Committee will be evaluated by the Township Committee as a whole.
3. Time of Separation: Employees shall be evaluated at the time of separation from Township service.
4. Special: A special performance evaluation shall be completed whenever:
 - a) Supervisor permanently leaves his/her position. The Supervisor shall complete a performance report on each employee supervised who has not been evaluated in the six (6) months prior to the date the Supervisor is to leave. The purpose of such a special performance evaluation is to provide the new Supervisor with current information regarding the performance of employees.
 - b) There is a significant trend either upward or downward in the employee's performance, as determined by the employee's Supervisor or the Township Administrator.

Procedure for Performance Evaluations

Each employee shall be evaluated by his/her appropriate Supervisor who shall submit said evaluations to the Township Administrator for review. Supervisors shall be evaluated by the Township Administrator, who shall submit said evaluations to the Township Committee for review.

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DISCIPLINARY ACTION

Occasions arise when employees fail to meet expectations, necessitating corrective action. It is the policy of the Township to administer discipline fairly and reasonably. Employees and the Township are best served when discipline is administered to correct actions rather than to punish.

Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency and integrity of Township service. The nature and severity of the offense and the employee's prior record shall be considered.

The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with any applicable labor contract, and Township policies and procedures as well as local, state or federal laws and regulations.

The following disciplinary policy is not meant to imply that an employee is entitled to progressive discipline or any warnings or hearings whatsoever prior to discharge. Rather, in accordance with the Township's employment at will policy, the Township may terminate any employee's employment at any time, with or without cause, with or without notice (unless an applicable collective bargaining agreement or governing law provides otherwise). Although the Township, in its sole discretion, may choose to provide an employee with a hearing or warnings or progressive discipline prior to discharge, the Township has no obligation whatsoever to do so in any individual case (unless an applicable collective bargaining agreement or governing law provides otherwise).

Types Of Disciplinary Action

Types of disciplinary action may include:

Oral Warning - This type of discipline is typically applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The oral warning should be given in private. Supervisors should inform the employee that the Supervisor is issuing an oral warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action. A notation that an oral warning was given should be made in the employee's personnel file.

Written Warning/Reprimand - This notice is typically issued in the event the employee continues to disregard an oral warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file. A written warning is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the written warning to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the Supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

Suspension - This form of discipline is typically administered as a result of a severe infraction of policies or for repeated violations.

Suspension with Pay - At the discretion of the Administrator or his/her designee, an employee of the Township may be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be



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required to complete an investigation or legal action. Such suspension is not a disciplinary action and may not be appealed. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense, and may include recovery of salary and benefits paid during the suspension. If the charges are unfounded, the employee will be restored to duty and a letter of exoneration will be placed in the employee's official personnel file.

Suspension Without Pay - An employee may be suspended without pay when the offense is of a serious enough nature, usually sufficient for discharge, but when circumstances related to an employee's overall performance would not warrant immediate discharge. The length of suspensions should not normally exceed fifteen (15) work days.

Demotion - Demotion may be used in those instances where an employee has been promoted to a position where they are unwilling or unable to perform the responsibilities of that position. Demotion is not to be used as a substitute for dismissal, when dismissal is warranted.

Discharge - Immediate removal of an employee from the job site pending review for discharge may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the Administrator. An employee may also be discharged after repeated offenses of a less serious nature if the offenses have been documented by the Supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.

APPEALS

To appeal a disciplinary action taken by a Supervisor, the employee must present a written appeal to his/her immediate Supervisor within ten (10) working days of the disciplinary action, setting forth the reasons why the employee believes the discipline was unwarranted or excessive. The immediate Supervisor shall attempt to resolve the matter within five (5) working days.

If the immediate Supervisor is unable to resolve the situation within five (5) working days, the employee may then make an appeal to the Township Administrator. The Administrator shall attempt to resolve the appeal within five (5) working days after it has been presented to him/her.

If the Township Administrator is unable to resolve the situation, the employee may make a final appeal to the Township Committee, whose decision shall be final.

PRE-DISCIPLINARY HEARING

The Administrator may provide and arrange for a pre-disciplinary hearing prior to the demotion, suspension, or discharge of any employee, unless the Administrator determines that a pre-disciplinary hearing is inappropriate under the circumstances. The circumstances when the Administrator may so conclude include, but are not limited to, the following: (1) the employee is unfit for duty; or (2) the employee is a hazard to any person if permitted to remain on the job; or (3) an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. In such cases, the Administrator may provide and arrange for a post disciplinary hearing.

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The following procedural protections shall apply to any pre or post disciplinary hearing:

1. An employee shall be provided, in writing, with a notice of the charge and an explanation of the department's evidence. The employee shall be given an opportunity to respond to the charges, orally or in writing, as to why the proposed action should not be taken (or reversed, if already taken).
2. The employee may have legal counsel, union representation and/or recording mechanism present at the hearing.
3. The department's explanation of the evidence at the hearing shall be sufficient to apprise the employee of the basis for the proposed action (or taken action). This shall not limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the hearing.
4. Should the appointing authority determine to discipline following the pre-disciplinary hearing (or to uphold the discipline following the post-disciplinary hearing), written notice of discipline shall be given to the employee. Such notice shall include the charges against the employee and a general statement of the findings of the hearing.

TERMINATION OF EMPLOYMENT

TERMINATION CLASSIFICATIONS

Employee terminations shall be classified as follows:

Service Retirement is a voluntary termination after having satisfied the age and length of employment requirements of the Public Employees Retirement System.

Disability Retirement is typically a voluntary termination necessitated by an injury or illness that renders the employee incapable of performing his/her usual job, in accordance with the requirements of the Public Employees Retirement System. The termination is preceded by a memo/letter by the employee to his/her Supervisor advising of the disability ruling, date of termination, supporting documentation, and a ruling by the Public Employees Retirement System Board verifying the disability and approving the retirement. In certain circumstances, an involuntary disability requirement may be requested by the Township in accordance with the requirements of the Public Employees Retirement System.

Resignation is a voluntary termination for any reason other than retirement. An employee wanting to leave the Township in good standing shall provide a written resignation letter to his/her immediate Supervisor at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the proposed effective date. Two weeks' notice is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement employee. Exceptions to the time limit requirement may be granted by the Administrator.

Layoff is an involuntary termination of an employee by the Township for lack of work, lack of funds, or other changes that have taken place.

Each employee on layoff shall be notified by the Township of the first opportunity for re-employment, such notice of recall to be given in writing to such employee's last known



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address filed with the Township. Any employee who fails to accept an offer for re-employment within ten days after mailing of notice shall forfeit seniority rights with respect to employment. The rights of employees to recall shall lapse after two years from date of layoff.

An employee reinstated to the same position or a position in the same class following layoff from the Township will have his/her anniversary period extended by the same length of time as the duration of the layoff.

Discharge is an involuntary termination for any reason other than those reasons described above.

PAYMENTS UPON TERMINATION

Upon termination of employment, whether by resignation or for other reasons, an employee will be compensated for unused vacation time.

If an employee takes time off after giving notice of retirement/resignation, or after an employee is given notice of lay off/discharge, said time off shall be charged to his/her accrued vacation time. Should an employee have no remaining accrued vacation time, any time off shall be without compensation.

RETURN OF TOWNSHIP PROPERTY

Upon termination of an employee's employment, or sooner if requested by the Township, employees must immediately return to the Township all Township-owned property and equipment, including all computer hardware and software, and all Township-owned computer files. Unless prior permission is given by the Township, employees may not make or retain copies of any Township-owned documents or computer software or computer files, either in computer readable or printed form.

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DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

DEFINITIONS

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

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

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

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

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

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

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who



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

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

PERSONS COVERED BY THIS POLICY

All New Jersey public employees are covered under this policy. A State of New Jersey public employer is any state, county, municipality, school district, or other political subdivision thereof, and any agency, authority, or instrumentality of the foregoing. Casual/seasonal employees, interns, volunteers and temporary employees of any public employer at any workplace location are also covered under this policy.

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

All public employers shall designate an HRO to assist employees who are victims of domestic violence.

The designated HRO must receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy. Should the HRO be unavailable at any time, the employer must designate a secondary HRO, who must also be appropriately trained to respond and assist domestic violence victims pursuant to this policy.

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

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

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact 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 VIII of this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, as appropriate.
- 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. (See Section VI).
- H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

CONFIDENTIALITY POLICY

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



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

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

CONFIDENTIALITY OF EMPLOYEE RECORDS

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

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

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

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

- 1) Seeking medical attention;
- 2) Obtaining services from a victim services organization;
- 3) Obtaining psychological or other counseling;

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-
- 4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
 - 5) Seeking legal assistance or remedies to ensure health and safety of the victim; or
 - 6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

The full text of the New Jersey SAFE Act is provided in the Appendix to this policy.

PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

Public employers in the State of New Jersey shall develop an action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

- A. Designate an HRO with responsibilities pursuant to Sections IV and V of this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are



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encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

RESOURCES

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

DISTRIBUTION OF POLICY

The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs shall distribute this policy and any modifications thereto, to public employers. The Director of the Division of Local Government Services shall release Local Finance Notices setting forth any changes to this policy, as changes occur.

OTHER APPLICABLE REQUIREMENTS

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

POLICY MODIFICATIONS AND REVIEW

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy.

The Civil Service Commission will review and modify this policy periodically and as needed.

POLICY ENFORCEABILITY

The provisions of this policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

POLICY INQUIRIES & EFFECTIVE DATE

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. This policy shall be enforceable upon the HRO's completion of training on this policy.

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NEW JERSEY SAFE ACT

The New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during each of 20 or more calendar workweeks in the then-current or immediately preceding calendar year.

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, or a victim of a sexually violent offense, as that term is defined in N.J.S.A 30:4-27.6. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, or civil union partner 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 as they relate to an incident of domestic violence or a sexually violent offense:

- (1) Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee’s child, parent, spouse, domestic partner or civil union partner
- (2) Obtaining services from a victim services organization for the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner
- (3) Obtaining psychological or other counseling for the employee or the employee’s child, parent, spouse, domestic partner or civil union partner
- (4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee’s child, parent, spouse, domestic partner or civil union partner
- (5) Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- (6) Attending, participating in or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee’s child, parent, spouse, domestic partner, or civil union partner, was a victim.



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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. The unpaid leave may be taken intermittently in intervals of no less than one day. The unpaid leave shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave that the employee elects to use or which the employer requires the employee to use during any part of the 20-day period of unpaid leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the 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.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the employer with written notice as far in advance as reasonable and practicable under the circumstances. The employer has the right to require the employee to provide the employer with documentation of the domestic violence or sexually violent offense that is the basis for the leave. The employer must 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 or regulation.

The NJ SAFE Act also prohibits an employer from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act.

To obtain relief for a violation of the NJ SAFE Act, an aggrieved person must file a private cause of action in the Superior Court within one year of the date of the alleged violation.

*NJ Department of Labor and Workforce Development. NJ.gov/labor. AD-289 (9/13)

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ADDENDUM I: SOCIAL MEDIA POLICY

PURPOSE

This policy sets forth guidelines for the establishment and use by the Township of Branchburg, its officials, officers, employees, agents, designees, representatives and/or volunteers ("the Township") of its social media sites (Facebook, Instagram, Twitter, You Tube and/or any other similar type platform) as a means of conveying Township-related information to its residents, employees and/or visitors. The Township has an overriding interest and expectation in deciding what is “spoken” on behalf of the Township on its own social media sites.

The purpose of this social media policy is to establish enforceable rules for the use of social media by Township officials, officers, employees, agents, designees, representatives and/or volunteers when engaged in Township business. Social media refers to Facebook, Instagram, Twitter, YouTube and/or any other communication site/application that is open to response or comment. Rules are necessary to assure that communications made on behalf of the Township are properly authorized and in correct form; that communications to the municipality by means of social media which can be viewed by the public are appropriate and pertinent; that all communications to the municipality is related to the posted municipal information; and, that the sender is clearly and fully informed that a message received by means of social media is not a substitute for required reporting procedures.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Instagram, Twitter, and You Tube. For purposes of this policy, “comments” include, but are not limited to, information, articles, and pictures. It also includes other communication medium created by the Township, including but not limited to, the Township website, GovDelivery and/or the Public Education and Government Access Channels.

SCOPE

This policy shall apply to all Township agencies and departments, as well as any and all affiliated government or non-government agency and/or official and/or board, commission, or committee permitted by the Township to post on Township social media sites.

GENERAL POLICY

The objective of the use of social media by the Township or its Departments is to expand and facilitate the dissemination of information from the Township to its residents, taxpayers and the general public.

1. No Township social media site shall be established without prior approval of the Township Administrator.

The following social media sites are approved by the Township Committee under the direction of the Township Administrator and/or designee:



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Facebook:

- Township of Branchburg Local Government
 - Township of Branchburg Recreation Department
2. The Township social media sites shall clearly set forth that they are maintained by the Township of Branchburg and that they follow this Social Media Policy.
 3. Wherever possible, the Township social media sites shall link back to the official Township website for forms, documents, online services and other information necessary to conduct business with the Township.
 4. The Township's social media sites are not to be used for making any official communications to the Township of Branchburg. Examples of such communications include, but are not limited to, reporting crime and/or misconduct, reporting dangerous conditions, requesting an inspection, giving notice required by any statute, by ordinance and/or regulations such as notices of claim. Prominent notice of this paragraph shall be displayed on every Township social media site, along with the appropriate contact information for submitting official communications.
 5. This social media policy shall also be placed so it can be displayed and viewed on the Township's website and all Township social media sites.
 6. The Township Administrator and/or designee shall monitor the Township's social media sites to ensure adherence to this herein Social Media Policy and to the interests and goals of the Township of Branchburg. The Township has the right to and will restrict and/or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the Township Administrator and/or designee pursuant to the applicable Township retention policy, including the time, date and identity of the poster, when available.
 7. These guidelines must be displayed to users or made available by hyperlink.
 8. The Township will approach the use of social media tools as consistently as possible, Township-wide.
 9. The Township website at www.branchburg.nj.us shall remain the Township's primary and predominant internet presence.
 10. The Township's social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, as well as applicable record retention requirements.
 11. Employees and volunteers representing the Township's government, via its social media site(s), shall conduct themselves at all times as a representative of the Township and in accordance with all its policies.
 12. This Social Media Policy may be revised at any time by approval of the Township Committee.
 13. This Policy governs all social media use by or on behalf of the Township and/or its departments, boards, commissions, committees, agencies, etc.

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14. Only the Township shall establish and operate the social media sites indicated in item #1 and approved for use by the Township Committee. No other social media sites for the Township shall be authorized.
15. All of the Township's uses of social media are responsible for complying with applicable federal, state, and county laws, regulations, and policies. This includes, but is not limited to, adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Record Act (OPRA), First (1st) Amendment, privacy laws, Open Public Meetings Act (OPMA or "sunshine law"), and information security policies (if applicable) established by the Borough.
16. All Township of Branchburg policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.
17. No "friending" or other special relationship between a Township official, officer, employee, agent, designee, representative and/or volunteer and a third (3rd) person is permitted on, and/or working on, a Township social media site(s).
18. The Township reserves the right to disable its social media accounts either temporarily or permanently at any time. There is no guarantee of "uptime."

COMMENT POLICY

1. As a public entity, the Township must abide by certain standards to serve all of its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing the Township's social media sites is to disseminate information from the Township of Branchburg about the Township to its citizens, residents, employees and/or visitors.
3. A comment posted by a member of the public on any Township social media site is the opinion of the commentator or poster only. Publication of a comment does not imply an endorsement of, or agreement by, the Township nor do such comments reflect the opinions and/or policies of the Township.
4. Any attempt to hack or otherwise compromise any of the Township's internet and/or social media sites will be immediately reported to law enforcement and the perpetrator shall be denied access to the sites immediately.
5. The Township reserves the right to deny access to any and/or all of its social media sites for any individual, group or entity who violates the Township of Branchburg's Social Media Policy at any time and without any prior notice.
6. Since it is the Township's intent to strictly disseminate information, the comment feature on all social media sites will be disabled to the extent possible; in the event comments are not or cannot be disabled the following will apply:
 - a. All comments posted to any of the Township's social media sites are bound by any applicable terms and conditions of Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>; of Twitter's Terms of Service, located at <https://twitter.com/tos>; of YouTube's Terms of Service, located at <https://www.youtube.com/t/terms>; of Instagram Terms of



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Service, located at <https://instagram.com/tos>; and the Township reserves the right to report any violation of these Rights and Responsibilities to the appropriate agency with the intent of having the agency take the appropriate and reasonable responsible action. All of the Township of Branchburg's policies are applicable to interactions on social media sites when acting in an official capacity and representing the Township.

10. Township municipal employees are strictly prohibited from commenting on any of the Township's social media sites.
11. No Township employee, Township elected official, vendor performing work and/or providing services to the Township, and/or volunteer may post or comment on any Township social media site.
12. Persons posting prohibited content shall be subject to being barred from posting comments on Township social media immediately and without any prior notice.

PROHIBITED CONTENT

Comments containing any of the following inappropriate forms of content shall not be permitted on any of the Township's social media sites and are subject to removal and/or restriction by the Township Administrator and/or designees:

- a. Profane, obscene, violent, and/or pornographic content and/or language, and/or sexually suggestive and/or explicit content links to such materials. Any image or link containing minors or suspected minors in any questionable situations will be reported to law enforcement;
- b. Content that promotes, fosters and/or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
- c. Defamatory attacks;
- d. Threats to any person or organization;
- e. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- f. Conduct in violation of any federal, state or local law;
- g. Encouragement of any illegal activity or possible illegal activity;
- h. Information that may tend to compromise the safety or security of the public or public systems;
- i. Content that violates a legal ownership interest, such as a copyright, of any party the Township does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and submissions if properly notified that such content and/or submission infringes on another's intellectual property rights;

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- j. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere; as well as personal information of a person other than the poster;
 - k. Spamming or repetitive content;
 - l. Comments from children under the age of thirteen (13) cannot be posted in order to comply with the Children’s Online Privacy Protection Act. By posting on a Borough media site, users acknowledge that they are at least thirteen (13) years old. Parents shall be responsible for any minor child’s posting or comments;
 - m. Content that incites violence and/or could lead to violence;
 - n. Photographs and/or videos;
 - o. Comments unrelated to the particular post being commented upon;
 - p. Comments which contain vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations;
 - q. Persons posting prohibited content are subject to being barred from posting comments on the Township’s social media sites.
 - r. Only the content approved by the Township Administrator or designee for public release is allowed to be posted. Content of a sensitive nature shall not be allowed to be posted. Officials, officers, employees, agents, designees, representatives, volunteers, and/or vendors providing services to the Township are prohibited from posting comments.
 - s. A “designee” or a person appointed by the Township Administrator is never allowed to transfer their social media account information to anyone and/or allow anyone access to the Township’s accounts on their behalf without prior written authorization from the Township Committee or Township Administrator.

BREACH OF POLICY

- 1. The Township Administrator and/or designees may be required to remove internet postings on Township social media sites which are deemed to constitute a breach of this Policy, as determined by the Township Administrator, subject to applicable archiving and retention requirements.
- 2. Any social media site created by the Township remains the sole property of the Township of Branchburg, including all the followers and friends generated by the site(s). If the person who created the site leaves the employment of the Township, they must relinquish anything and everything related to the site including, but not limited to, user names, passwords and/or access codes or information.



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TERMS OF USE DISCLOSURE

(To Be Posted On All Township Social Media Sites)

A. Information Disclaimer

By visiting this site, you understand and agree that this Township of Branchburg local government site is provided "AS IS". Township of Branchburg local government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the Township of Branchburg local government. Portions of the information on this site may be incorrect or not current. Township of Branchburg local government, its officials, officers, employees, agents, designees, representatives and/or volunteers shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy -- Links to External Sites

The Township of Branchburg local government site may contain links to outside websites. These websites are not owned, operated, controlled and/or reviewed by the Township of Branchburg local government. These links are provided solely as a courtesy and convenience to you, the visitor. The Township of Branchburg local government, its officers or employees, exercise no control over the organizations, views, accuracy, copyright and/or trademark, compliance and/or the legality of the material contained in these outside websites. The Township of Branchburg local government, its officials, officers, employees, agents, designees, representatives and/or volunteers do not sponsor, endorse and/or approve the information, content, proceeds, materials, opinions and/or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Township of Branchburg local government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Township of Branchburg local government website or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the Township of Branchburg or its officials, officers, employees, agents, designees, representatives and/or volunteers.

D. Copyright and Trademark Limitations

The Township of Branchburg makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material shall be subject to copyright and/or trademark laws.

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E. Use of Material From This Site

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F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any Township of Branchburg local government website/social media platform page(s) may result in criminal prosecution.



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