

**PEMBERTON TOWNSHIP**

***PERSONNEL POLICIES AND PROCEDURES***  
**MANUAL**

**-and-**

**EMPLOYEE HANDBOOK**  
**As Amended**

**September 21, 2016**

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## **GENERAL PERSONNEL POLICY:**

It is the policy of the Township of Pemberton to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township of Pemberton shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police force personnel matters and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor except where applicable law otherwise provides. No person shall be employed or promoted unless there is a position created by an ordinance adopted by the Council of the Township of Pemberton and/or by the authority of the Mayor, as may be appropriate under the form of government under which the Township of Pemberton operates. No person shall be employed or promoted unless there are sufficient funds appropriated in the current budget and the salary is established in the manner required by applicable law.

The Mayor, Township Business Administrator, and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Assistant to the Mayor and the Business Administrator has been appointed to perform the Township's Human Resources duties to assist the Business Administrator implement personnel practices. The Business Administrator and the Assistant to the Mayor and the Business Administrator shall also have access to the Labor Counsel appointed by the Council of the Township of Pemberton to provide guidance in personnel matters.

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

The Personnel Policies and Procedures Manual promulgated by the Mayor and adopted by the Council of the Township of Pemberton by way of Chapter 38 of the Code of the Township of Pemberton is intended to provide guidelines covering public service by Township of Pemberton employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Township of Pemberton personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor of the Township of Pemberton.

<p>To the maximum extent permitted by law, the employment practices of the Township of Pemberton shall operate under the legal doctrine known, as "employment at will." Within Federal and State law, (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the Township of Pemberton shall have the right to terminate an</p>
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employee at any time and for any reason, with or without notice, except the Township of Pemberton shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

## **SECTION ONE**

### **Policies Relating to Employee Rights and Obligations:**

#### **Anti-Discrimination Policy:\***

The Township of Pemberton is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township of Pemberton discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy including pregnancy related medical condition, childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Business Administrator, the Assistant to the Mayor and the Business Administrator.

#### **Americans with Disabilities Act Policy/New Jersey Pregnant Worker's Fairness Act:\***

In compliance with the Americans with Disabilities Act ("ADA"), the ADA Amendments Act and the New Jersey Law Against Discrimination, as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Township of Pemberton does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Township of Pemberton will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township of Pemberton to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination (LAD). We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition.

We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township of Pemberton.

The Business Administrator shall engage in an interactive dialogue with disabled employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township of Pemberton to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Township of Pemberton facilities. Any questions concerning proper assistance should be directed to Business Administrator.

### **Contagious or Life Threatening Illnesses Policy:**

The Township of Pemberton encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Township of Pemberton shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township of Pemberton.

The Township of Pemberton will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person’s identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

### **Safety Policy:**

The Township of Pemberton will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township of Pemberton is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Township of Pemberton facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

The Township of Pemberton has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

### **Transitional Duty Policy:**

The Township of Pemberton will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed forty-five (45) workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty and/or the Workers Compensation Physician shall notify the Business Administrator as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the employee's permanent position after the transitional duty period. The Business Administrator will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Business Administrator will decide if it is in the best interest of the Township of Pemberton to approve a transitional duty request and will notify the Department Head who will notify the employee of the decision. The Township of Pemberton reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Business Administrator informed of the medical

progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. The time to attend medical or physical therapy shall be considered to be approved sick leave. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Township of Pemberton reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

### **Drugs and Alcohol Policy:**

The Township of Pemberton recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be tested immediately and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Business Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Township of Pemberton premises or during work hours by employees are strictly prohibited.

Employees must notify the Business Administrator within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify their Department Head and the Business Administrator who are required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. The Township may require employees to provide a doctor's note indicating that the prescription drug will not adversely impact the ability of the employee to perform his/her duties safely as to themselves and others prior to authorizing a return to work. Township of Pemberton personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug

and Alcohol Testing Policy. A program to assist employees who may have a drug/alcohol problem is provided through the Township of Pemberton's Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township of Pemberton property or while performing Township of Pemberton business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

### **Workplace Violence Policy:**

The Township of Pemberton will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Township of Pemberton property, at Township of Pemberton events or under other circumstances that may negatively affect the Township of Pemberton's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Township of Pemberton property or while on Township of Pemberton business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Township of Pemberton will actively intervene in any potentially hostile or violent situation.

### **General Anti-Harassment Policy:**

It is the Township of Pemberton's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our

employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification to the supervisor or other appropriate person should take place. See the Employee Complaint Policy.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Pemberton generally. The Township of Pemberton cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

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

### **Anti-Sexual Harassment Policy:**

It is the Township of Pemberton's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township of Pemberton prohibits sexual harassment from occurring in the workplace or at any other location at which Township of Pemberton sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly 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 an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.

Harassment of Township of Pemberton employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Pemberton generally. The Township of Pemberton cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

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

### **“Whistle Blower” Policy:**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the

specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook if a separate Employee handbook is provided.. All complaints will be taken seriously and promptly investigated.

The Township of Pemberton shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the (CEO title), other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Business Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the Township of Pemberton a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

### **Employee Complaint Policy:**

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Business Administrator, the Assistant to the Mayor and the Business Administrator. Reporting of such incidents is encouraged when an employee feels that he or she is subject to such incidents, and/or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment,

or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

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

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

### **Grievance Policy:**

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township of Pemberton. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after the action giving rise to the grievance and the failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Business Administrator. The supervisor or Department Head will communicate the decision to the employee within two working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Business Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five days working days of the step one decision. After consulting the Department Head and the Labor Counsel, if appropriate, the Business Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

## **Access to Personnel Files Policy:**

The official personnel file for each employee shall be maintained by the Assistant to the Mayor and the Business Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Township of Pemberton premises in the presence of the Assistant to the Mayor and the Business Administrator or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

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

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

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of Township of Pemberton's compliance with applicable law;
- To the Township of Pemberton's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Township of Pemberton are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

## **Conflict of Interest Policy:**

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

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

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

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

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

### **Political Activity Policy:**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in

political activities while performing their public duties and from using Township of Pemberton time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator or the Township Attorney.

### **Employee Evaluation Policy:**

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

### **Employee Discipline Policy:**

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

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Township of Pemberton, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township of Pemberton property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Township of Pemberton property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Township of Pemberton property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.

- Soliciting on Township of Pemberton premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Township of Pemberton or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township of Pemberton premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Township of Pemberton or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Township of Pemberton information.
- Gambling on Township of Pemberton premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township of Pemberton premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Township of Pemberton rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township of Pemberton policies, procedures and regulations.

- Violation of Federal, State or Township of Pemberton laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure (and Civil Service procedure). In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

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

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

Neither this manual nor any other Township of Pemberton guidelines, policies or practices create an employment contract. Employment with Township of Pemberton may be terminated at any time with or without cause or reason by the employee or Township of Pemberton subject to applicable State law and regulations.

In the event of any conflict between this policy and NJ Civil Service Commission rules, the NJ Civil Service Commission rules shall apply.

**Resignation Policy:**

An employee who intends to resign must notify the Business Administrator in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Assistant to the Mayor and the Business Administrator will prepare an Employee Action form showing any pay or other money owed the employee. The Assistant to the Mayor and the Business Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will

also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

### **Work Force Reduction Policy:**

Pursuant to N.J.A.C. 4A: 8-1.1 the Township of Pemberton may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the New Jersey Civil Service Commission.

### **Driver's License Policy:**

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

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

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

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

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

## **SECTION TWO**

### **Workplace Policies**

#### **Job Description Policy:**

A job description including qualifications shall be maintained for each position pursuant to New Jersey Civil Service Commission guidelines if the position is subject to Civil Service. All job descriptions must be approved by the Business Administrator. The Assistant to the Mayor and the Business Administrator will make copies available upon request.

#### **Attendance Policy:**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:00 AM to 4:30 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

#### **Early Closing and Delayed Opening Policy:**

In the event of unsafe conditions, the Mayor or the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to the scheduled opening, the Mayor or the Business Administrator may delay opening and set the new opening time, and shall so notify Department Heads. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or personal leave will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works and the Police Department and any other personnel who may be required to assist in an emergency.

#### **Breaks:**

All personnel are entitled to a forty-five (45) minute lunch that is to be arranged by the supervisor so that offices continue to function. All employees are entitled to a ten (10) minute break in the morning and in the afternoon. Administrative personnel must arrange breaks so that offices continue to function. The supervisor will schedule breaks for other employees.

#### **Dress Code Policy:**

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental policies and standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees

shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. With the advance approval of the Business Administrator, the Township of Pemberton will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay. Employees violating this policy shall be subject to disciplinary action.

### **No Smoking Policy:**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township of Pemberton has adopted a smoke-free policy for all buildings. In addition, outdoor Township of Pemberton facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere on Township of Pemberton property. Smoking inside vehicles owned by the Township of Pemberton and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

### **Use of Vehicles Policy:**

Township of Pemberton owned vehicles shall be used only on official business and all passengers must be on Township of Pemberton business.

Vehicles shall not be taken home by employees. Any violation of this policy constitutes cause for disciplinary action.

### **Telephone Usage Policy:**

Township of Pemberton telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Township of Pemberton. The use of hand-held cell phones (personal or township owned) while driving Township of Pemberton vehicles or while driving on Township of Pemberton business is prohibited. Any violation of this policy constitutes cause for disciplinary action.

### **Communication Media Policy:**

The Township of Pemberton's Communication Media are the property of the Township of Pemberton and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Township of Pemberton such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

All data stored on and/or transmitted through Communication Media is the property of the Township of Pemberton. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Township of Pemberton business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township of Pemberton's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township of Pemberton's) local or wide-area networks."

The Township of Pemberton respects the individual privacy of its employees. However, employee communications transmitted by the Township of Pemberton's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Township of Pemberton. The Township of Pemberton reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township of Pemberton's Communication Media.** By using the Township of Pemberton's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township of Pemberton personnel. The existence of passwords does not restrict or eliminate the Township of Pemberton's ability or right to access electronic communications. However, the Township of Pemberton cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Township of Pemberton are required to use the assigned municipal email account for ALL Township of Pemberton business and correspondence. The use of private email accounts for ANY Township of Pemberton business or during business hours is strictly prohibited.

Employees shall only use the Township of Pemberton's Communication Media for legitimate business purposes. Employees may not use Township of Pemberton's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township of Pemberton rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Township of Pemberton. Certain data, or applications that process data, may require additional security measures as determined by the Township of Pemberton. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the Township of Pemberton has given permission. All employees must take appropriate actions to ensure that Township of Pemberton data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

Employees shall not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Township of Pemberton's computing environment.

Employees shall not install or modify any hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township of Pemberton. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township of Pemberton, or licensed to the Township of Pemberton. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year, however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media

Only those Employees directly authorized by the Business Administrator may engage in social media activity during work time through the use of the Township of Pemberton's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Township of Pemberton information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Township of Pemberton employee shall post internal working documents to social media sites. This includes, but is not limited to, screen shots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Business Administrator. In addition, employees are prohibited from releasing or disclosing and photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Township of Pemberton's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township of Pemberton. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from

accidents or crimes and the employee does not have access to the Township of Pemberton's Communication Media. If such situation occurs, employee agrees that any images belong to the Township of Pemberton and agree to release the image to the Township of Pemberton and ensure its permanent deletion from media device upon direction from the Township of Pemberton.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Township of Pemberton or on behalf of the Township of Pemberton whether through the use of the Township of Pemberton's Communication Media or otherwise, may be issued unless it has first been approved by the Business Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Township of Pemberton. Such unauthorized communications may result in disciplinary action.

Because authorized postings placed on the Internet through use of the Township of Pemberton's Communication Media will display on the Township of Pemberton's return address, any information posted on the Internet must reflect and adhere to all of the Township of Pemberton's standards and policies.

All users are personally accountable for messages that they originate or forward using the Township of Pemberton's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) without a legitimate purpose and authorized by the Business Administrator is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public (local unit type) and other third-party rights. Any use of the Township of Pemberton's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township of Pemberton, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Township of Pemberton's employees, or if they discuss matters related to the Township of Pemberton on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Township of Pemberton and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Township of Pemberton or the Township of Pemberton's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Township of Pemberton policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Township of Pemberton employees have the right to engage in or refrain from such activities.

## **Video Surveillance**

The Township of Pemberton may install video surveillance camera systems within public buildings and throughout public areas within the Township of Pemberton, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Township of Pemberton will ensure compliance with federal, state and local laws governing such usage.

The Township of Pemberton's video surveillance camera systems are a significant tool to which the employees of the Township of Pemberton will avail themselves in order to complete the goals and objectives of the Township of Pemberton. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Business Administrator's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Township of Pemberton's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission for the designee of the (local unit type).

The Township of Pemberton shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Business Administrator is informed immediately of such breach.

## **Bulletin Board Policy:\***

The bulletin boards located in the Township of Pemberton administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. The Business Administrator may authorize unions to post notices on bulletin boards.

## **Employee Dating Policy:**

The Township of Pemberton recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They

may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs the Township of Pemberton has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to the Business Administrator.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action or to make recommendations concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment either the Township.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the rights to address any workplace issues that may result from that relationship in a manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Township regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with Township operations. This policy does not alter an employee's at-will status, if applicable.

## **SECTION THREE**

### **Paid and Unpaid Time Off Policies**

These policies cover non-union employees. They also cover union employees to the extent that their collective negotiations agreements do not cover these issues.

#### **Paid Holiday Policy:**

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Easter Monday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving day
- Christmas Eve
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

#### **Vacation Leave Policy:**

Vacation is an accrued benefit per month based on the following schedule for full time employees. Part-time employees shall receive the benefits set forth herein on a pro rata basis.

- 96 hours for each year from the date of hire through the end of 3<sup>rd</sup> year of service;
- 120 hours for each year from the beginning of the 4<sup>th</sup> year through the end of the 10<sup>th</sup> year of service;
- 160 hours for each year from the beginning of the 11<sup>th</sup> year through the end of the 15<sup>th</sup> year of service;
- 200 hours for each year from the beginning of the 16<sup>th</sup> year and for each year thereafter of service;

The Mayor may modify the foregoing policy based on the prior work experience of a new employee and a negotiated total compensation package with non-union employees. All vacation leave shall be approved by the Business Administrator. Employees may carry over up to one year of vacation leave to the following year. Any vacation days that remain unused in excess of one year as of December 31<sup>st</sup> of any year shall be forfeited.

Vacation leave shall be used only in ½ day increments.

### **Personal Leave Policy:**

Full time Employees are entitled to 3 personal days per year and any unused days are forfeited at the end of each calendar year. Part-time employees shall receive the benefits set forth herein on a pro rata basis.

Personal leave shall be used only in ½ day increments.

### **Sick Leave Policy:**

Full time employees are entitled to eight hours per month during the remainder of the calendar year in which they started their employment, and 120 hours for each year thereafter during their employment. Part-time employees shall receive the benefits set forth herein on a pro rata basis.

Sick leave is to be used only in cases where the employee is ill and unable to work, in cases of the serious illness of a family member, or in cases otherwise required by applicable law and regulations. Employees absent on sick leave for five or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. Prior to the return to work the Township of Pemberton may require an employee to be examined by a physician designated by the Township of Pemberton to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. The accumulation continues indefinitely and employees will be paid for one-half of their total accumulated unused sick time, up to a maximum of \$5,000, upon a resignation in good standings or retirement from employment.

### **Bereavement Leave Policy:**

Employees are entitled to 3 days Bereavement Leave for each death of an employee's immediate relative. One day shall be either the day of death or the date of the funeral. The remaining days may be used within one month of the date of death. The Mayor may at his discretion grant an additional 2 days of Bereavement Leave for travel time to and/or from the funeral.

“Immediate relative” includes spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee’s household. Employees are paid for all working days during the Bereavement Leave.

**Jury Duty Policy:**

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee’s regular salary.

**Leave of Absence Policy:**

Employees may be granted a personal leave of absence for any reason for up to six months at the sole discretion of the Mayor or his designee if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal leave and accrued compensatory time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of accrued vacation, personal leave and accrued compensatory will be without pay or longevity credit. In exceptional circumstances, the Mayor or his designee may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Township of Pemberton.

In addition to the foregoing, a personal leave of absence granted for medical reasons or for any reason which as a matter of law and/or regulation authorizes the use of accrued sick leave shall require the use of said accrued sick leave during the leave of absence.

A personal leave of absence may but shall not be required to be granted in conjunction with an employee’s rights pursuant to the State and or Federal family leave laws.

A personal leave of absence shall not be granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on a personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Township of Pemberton Health Benefits Policy. A personal leave of absence is granted with the understanding that the employee intends to return to work for the Township of Pemberton. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

**Family and Medical Leave Act Policy:**

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act (“FLA”). In order to be eligible for such leave, employees must have: one (1) year of service with Township of Pemberton; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Township of Pemberton reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Assistant to the Mayor and the Business Administrator.

Commencing July 1 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$559 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking

intermittent paid family leave is required to provide the Township of Pemberton with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Township of Pemberton with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

### **Domestic Violence Leave:**

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;

- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave can not be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, and proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Township of Pemberton will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Township of Pemberton shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Township of Pemberton shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

### **Military Leave Policy:**

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of such leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. The paid leave entitlement described herein shall not be exceeded in any calendar year notwithstanding the number of times the service member is required to be engaged in field training or called to active duty. If the duration of service wherein the service member is required to be engaged in field training or called to active duty extends beyond one calendar year into the next, the service member shall not be entitled to additional paid leave for that duration of service.

Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township of Pemberton group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Vacation and personal leave shall accrue during military leave. Sick leave shall accrue solely during periods of time during which the employee on military leave is entitled to full pay from the Township.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

## **SECTION FOUR**

### **Compensation & Employee Benefits Policies**

These policies cover non-union employees. They also cover union employees to the extent that their collective negotiations agreements do not cover these issues.

#### **Payroll Policy/Department Heads and Statutory Employees:**

Salary ranges for Department Heads and Statutory employees are established by ordinance. If a salary ordinance provides a salary range, the salary paid must fall within the minimum and maximum ranges for the employee's title. Employees are paid every 2 weeks. Department Heads and Statutory employees are not entitled to overtime compensation or to accrue compensatory time. Department Heads and Statutory employees may submit a written request to the Business Administrator for 'flex' time which may be granted by the Business Administrator. However, said 'flex' time shall not be hour for hour and shall not accrue.

The Township of Pemberton will not accept responsibility for any employee's personal finances. The Township of Pemberton will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors.

#### **Payroll Policy/Other Non-Union Employees:**

Hourly rates for all non-union employees other than as set forth above shall be fixed by the Mayor as permitted by applicable law. Employees are paid every 2 weeks. Non-union employees shall be entitled to additional compensation solely as may be required by applicable law.

The Township of Pemberton will not accept responsibility for any employee's personal finances. The Township of Pemberton will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors.

#### **Overtime Compensation Policy:**

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Assistant to the Mayor and the Business Administrator shall notify all exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and

approved by the Department Head and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt union employees will receive overtime compensation for hours worked in excess of forty in a weekly period in accordance with the provisions of the applicable collective negotiations agreements. Previously scheduled vacation and personal leave and holiday time are considered time worked for purposes of determining overtime compensation but sick time is not.

Non-Exempt non-union employees will receive overtime compensation for hours worked in excess of forty in a weekly period in accordance with applicable law. Non-Exempt non-union employees may not receive compensating time off in lieu of overtime compensation.

### **Timekeeping Policy:**

The Fair Labor Standards Act (FLSA) requires that employers keep certain records concerning employees. This includes detailed records regarding time worked and payroll. A time clock is used to record all hours worked and leave taken during the reporting period for non-exempt personnel.

Time cards and associated work records are the official basis for recording work hours and shall be considered official records of Pemberton Township.

It is a job requirement that all non-exempt employees must “clock in” at the beginning of the workday and “clock out” at the end of the workday at the employee’s place of work. Under certain conditions (such as off-site training), employees should report time worked to their immediate supervisor so that the employee’s work time can be manually entered by the supervisor.

Other requirements:

- a. Employees are required to “clock in” and “clock out” at their scheduled times.
- b. It is prohibited to abuse or take advantage of the time clock “punch window” and rounding policies. For example, an employee may be disciplined if the employee clocks in at 8:07 a.m. knowing that the work time will be rounded back to 8:00 a.m. or clocks out at 4:23 p.m. knowing that the work time will be rounded forward to 4:30 p.m.
- c. Most employees are required to clock out and clock in for lunch breaks. Due to the nature of some positions, lunch breaks may be automatically calculated consistent with collective bargaining agreements.
- d. It is prohibited for any employee to allow another employee to clock in and clock out for the employee. Violations of this policy may be grounds for termination of employment. The only exception is that an employee’s

supervisor may clock in and clock out for the employee in limited circumstances (e.g., employee is attending an off-site training) and shall make a note on the employee's time card indicating that the supervisor made the particular time punch on behalf of the employee and the reason why.

- e. Employees are responsible for maintaining their time cards. Every employee is required to:
  - (1.) Protect the time card from scratches, holes, bending or other damage.
  - (2.) Utilize the time clock and time cards so that work time is properly recorded and readable on the card.
  - (3.) Notify an appropriate supervisor if the employee's time card is lost, stolen, or damaged.
  - (4.) Review and sign the employee's time card at the end of each pay period.
  - (5.) Notify the department head, through the appropriate chain of command, if the time clock malfunctions.
  - (6.) Notify a supervisor if the employee, through unintentional oversight, fails to clock in or clock out.

#### Punch Window and Rounding:

As a convenience, employees may clock in (i.e., "punch in") up to 7 minutes prior to the start of their scheduled work time. However, employees shall not engage in any work during that time. In such cases, the employee will not be compensated for the time "on the clock" until the start of the employee's scheduled work time.

Likewise, employees may clock out (i.e., "punch out") up to 7 minutes after the end of their scheduled work time. However, employees shall not engage in any work during that time. In such cases, the employee will not be compensated for the time "on the clock" after the end of the employee's scheduled work time.

In both cases, an employee will be compensated for work performed before and after the employee's scheduled work time only if overtime has been expressly approved by the employee's supervisor in accordance with overtime approval procedures.

Punches collected by the time clock to record the start and end of the day/shift are rounded at 7-minutes before and after each quarter hour (00, 15, 30, 45).

Employees with schedules requiring him or her to start work at a particular time (e.g., 8:00 a.m., 7:00 p.m., etc.) and who clocks in after that scheduled time are considered late regardless of the fact that the time keeping system includes a "punch window" and rounding procedure. Disciplinary action for tardiness and absenteeism is based on actual clock time.

#### Falsification, Tampering, and Unauthorized Viewing:

The time keeping system directly impacts expenditures of public funds as well as the Township's obligations under the FLSA and, therefore, violations of these policies and procedures may result in serious discipline. In particular the following violations could lead to major discipline including termination:

- a. Any attempt to tamper with time keeping equipment, hardware, or software.
- b. Punching in for an absent or tardy employee (a/k/a "buddy punching").
- c. Punching out for an employee.
- d. Interfering with other employees' use of the time keeping system.
- e. Falsification of time cards and other time keeping records.
- f. Unauthorized viewing of another employee's time card.
- g. Intentionally or carelessly working off the clock. Underreporting or failing to report work hours.
- h. Once an employee clocks in he or she is responsible for commencing work at the start of the day/shift. Personal matters or simply not working while clocked in is considered "riding the clock" and could be grounds for discipline.

Responsibilities of Department Directors:

- a. Department Directors shall review all time cards prior to submission to Administration for payroll processing.
- b. Department Directors shall be responsible for ensuring that all time cards for every employee under their supervision comply with this policy.
- c. Department Directors shall ensure that every time card sets forth clearly the work status for every day that employees worked, the leave status if employees are not at work, and indicate the specific hours of authorized overtime for which payment is sought and/or for which compensatory time has been requested.
- d. Department Directors shall sign each and every time card which signature shall be construed as confirming that all of the time set forth on the time card has been previously approved and is accurate.
- e. Department Directors may delegate the functions set forth in this section to Division Heads but shall retain the ultimate responsibility to ensure compliance. The delegation of these responsibilities shall be in writing with a copy provided to the Business Administrator.

- f. The failure of Department Directors, and Division Heads to whom these functions are delegated, to comply with this Policy, shall be grounds for disciplinary action.

### **Payment for Accumulated Absence:**

To the extent that a local ordinance, collective negotiations agreement, or an employment agreement provides for the payment of compensation while absent from work, the Township of Pemberton shall only make such payment if the chief financial officer or Business Administrator certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay.

Proper documentation includes:

- a. A copy of the agreement, ordinance and/or resolution.
- b. Documentation of the amount of accumulated absence time.
- c. The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

### **Health Insurance Policy:**

Please see the Township of Pemberton Employee Health Benefits Plan for the terms, conditions, and coverage descriptions for medical, dental, prescription and vision coverage.

### **Retirement Policy:**

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by submitting an application to the NJ Division of Pensions. The State retirement plans request six months advance notice to process the application. A written notification to the Business Administrator will be appreciated. A notice from the NJ Division of Pensions that an employee has filed a retirement application or a notice from an employee that the employee intends to retire as of a date certain shall be considered to be a resignation as of the retirement date indicated.

After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Assistant to the Mayor and the Business Administrator will prepare an Employee Action form showing any pay or other money owed the employee. The Assistant to the Mayor and the Business Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA

notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

### **Workers Compensation Policy:**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Township of Pemberton covers workers compensation benefits through its membership in the Burlington County Joint Insurance Fund (Burlco JIF). Any occupational injury or illness must be immediately reported to the supervisor, the Department Head and the Department of Administration. Qual-Lynx, the Burlco JIF's workers compensation claims administrator, shall be notified immediately. The Department Head shall be responsible for ensuring that the initial incident report and the comprehensive accident report is completed and provided to Administration within 24 hours of the occurrence. All required medical treatment must be performed by a Workers Compensation Physician as directed by the Qual-Lynx except in the case of an emergency. The Burlco JIF may reject payments for unauthorized medical treatment which are not covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Township of Pemberton will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

### **Educational Assistance and Training Policy:**

Subject to sufficient funds in the budget, applicable provisions of collective negotiations agreements and upon the prior approval of the Business Administrator, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Business Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

### **Conference and Seminar Policy:**

Requests to attend a conference or seminar must be approved by the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Business Administrator at least thirty days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the relevance of the conference and/or seminar to the employee's duties and responsibilities, and the availability of funds.



## SECTION FIVE:

### Managerial/Supervisory Procedures

#### Employment Procedure:

**a. Police:** The procedures set forth herein shall apply to the selection of sworn police officers solely to the extent that said procedures are consistent with the procedures set forth in the Pemberton Township Police Department Rules and Regulations, and/or policy separately promulgated by the Mayor.

**b. Recruitment:** The Business Administrator in conjunction with the Assistant to the Mayor and the Business Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, civil service and equal opportunity requirements. When a vacancy occurs that is intended to be filled, it is the responsibility of the Business Administrator to notify all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law including New Jersey Civil Service Commission regulations if the position is subject to civil service. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Township of Pemberton is an equal opportunity employer.

**c. Applications:** All candidates must submit a resume and fully complete an application form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

**d. Interviews:** The Business Administrator will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Township of Pemberton will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township of Pemberton.

**e. Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Business Administrator shall require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Business Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township of Pemberton at the expense of the Township of Pemberton. All medical records of employees and prospective employees

are confidential and are to be maintained by the Assistant to the Mayor and the Business Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

**f. Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this ordinance entitled "Background Checks and Procedures for Candidates, Employees and Volunteers".

**g. Job Offers:** The final decision will be made by the Mayor after all references, residency, and other information has been verified except that the advice and consent of the Township Counsel will be required for Department Heads and certain other statutory positions pursuant to the Faulkner Act. The final decision will be made by the Township Council as to those positions regarding which the Council retains the statutory authority to appoint same. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township of Pemberton. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

**h. Acceptances and Rejections:** If the first offer is rejected, the Mayor or the Township Council, as appropriate, will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

**i. Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Assistant to the Mayor and the Business Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

### **Background Checks and Procedures for Candidates, Employees and Volunteers:**

**a. Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years.

**b. Background check procedure:** The Assistant to the Mayor and the Business Administrator will perform or initiate background checks and be the recipient of reports from

outside agencies or contractors. The Assistant to the Mayor and the Business Administrator will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Assistant to the Mayor and the Business Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Township of Pemberton contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions will be without pay.

**c. Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- a. Homicide (N.J.S.A. 2C:11)
- b. Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- c. Kidnapping (N.J.S.A. 2C:13)
- d. Sexual Offenses (N.J.S.A. 2C:14)
- e. Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- f. Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- g. Robbery (N.J.S.A. 2C:15)
- h. Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

**d. Appeal Process:** The Appeals Committee will be comprised of the Business Administrator, the Police Chief and the Assistant to the Mayor and the Business Administrator.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Township of Pemberton.

Such Notice of Appeal must be sent in writing to the Assistant to the Mayor and the Business Administrator.

The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Township of Pemberton will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

### **Nepotism Procedure:**

Unless otherwise provided by law or NJ Civil Service Commission rule if the position is subject to civil service or collective negotiations agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- a. One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;

- b. One relative would be responsible for auditing the work of the other; or
- c. Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

### **Open Public Meetings Act Procedure concerning Personnel Matters:**

Discussions by the governing body of the Township of Pemberton concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body of the Township of Pemberton concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body of the Township of Pemberton may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

### **Processing and Orientation of New Employees Procedure:**

All new regular full-time and regular part-time employees will be scheduled to meet with the Assistant to the Mayor and the Business Administrator and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Assistant to the Mayor and the Business Administrator for inclusion in the employee's official personnel file. The orientation will include:

- a. A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position.
- b. The completion of all pertinent personnel, payroll, insurance and pension forms.
- c. A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt.
- d. The Employee Complaint Policy letter and acknowledgement.
- e. A safety orientation and acknowledgement.
- f. Arrangements for the new employee to complete required PEOSHA safety training.

### **Initial Employment Period Procedure:**

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment probationary period of 90 days. During this initial probationary period, the new employee or transferee will be provided with training and guidance from the supervisor. Before the end of the initial probationary period, the supervisor will prepare an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time on or prior to the 90 day probationary period if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period.

Nothing in the procedure set forth in this section shall alter Township of Pemberton's employment at will policy. Subject to applicable law to the contrary, employment with Township of Pemberton is at will and may be terminated at any time with or without cause or notice by the Township of Pemberton or the employee.”

### **Employee Handbook Procedure:**

This document shall also serve as the Township of Pemberton Employee Handbook. Copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. This document will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

### **Performance Evaluation Procedure:**

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- a. Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the

blank evaluation form. The meeting should be private without interruptions in a comfortable environment.

**b. Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.

**c. Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.

**d. Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.

**e. Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

*a. Exceeds Expectations* means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

*b. Meets Job Requirements* means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

*c. Needs Improvement* means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

*d. Does Not Meet Minimum Standards* means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be forwarded to the Assistant to the mayor and the Business Administrator for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head or the Business Administrator title.

### **Disciplinary Action Procedure:**

All employees are expected to meet the Township of Pemberton's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township of Pemberton's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Township of Pemberton's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. The supervisor shall report the improper action in detail to the Department Head in writing. The Department Head shall review the supervisor's report, and shall make a recommendation to the Business Administrator as to the disciplinary action proposed. Disciplinary action may begin at any step, and/or certain steps may be repeated or by-passed.

**a. Counseling/ Verbal Reprimand:** Depending on the circumstances, the supervisor with the express approval of the Department Head may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the counseling/verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Assistant to the Mayor and the Business Administrator for the employee's official personnel file.

**b. Written Reprimand:** When a Department Head determines that a written reprimand is appropriate, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Assistant to the Mayor and the Business Administrator for the employee's official personnel file.

**c. Suspension:** Whenever an employee is recommended for suspension, the Department Head shall prefer the charges and specifications with the advice and direction of the Business Administrator. Suspended employees may request a hearing if required by NJ Civil Service

Commission regulations, state law or applicable collective negotiations agreements. The Business Administrator shall serve as the hearing officer in all disciplinary actions for suspension.

**d. Dismissal/Termination:** Whenever an employee is recommended for dismissal, the Department Head shall prefer the charges and specifications with the advice and direction of the Business Administrator. Employees may request a hearing if required by NJ Civil Service Commission regulations, state law or applicable collective negotiations agreements. The Business Administrator shall serve as the hearing officer in all disciplinary actions for dismissal/termination.

There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

### **Personnel File Procedure:**

The official personnel files shall be maintained by the Assistant to the Mayor and the Business Administrator. Employee medical information will be maintained in a separate file. At least annually, the Assistant to the Mayor and the Business Administrator will review files to make sure they are up-to-date and will follow-up with the Business Administrator and Department Heads as necessary.

The Official file shall include at least the following:

- a. The original application signed by the employee.
- b. Notes from any pre-employment interview and reference check.
- c. The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring.
- d. A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter.
- e. A signed acknowledgement that the employee has received the Employee Handbook.
- f. A signed acknowledgement that the employee received the safety orientation.
- g. Annual written performance evaluations including documentation that the evaluation was reviewed with the employee.
- h. Counseling Action Plans.
- i. Records relating to on-the-job accidents.

- j. Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond.
- k. Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.
- l. Educational transcripts.
- m. Any other pertinent information.

### **Employee Complaint Investigation Procedure:**

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

**a. Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.

**b. Identification/Screening:** The supervisor, Department Head, Assistant to the Mayor and the Business Administrator or Township Attorney must report all written or verbal complaints to the Business Administrator unless the complaint is against the Business Administrator. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Business Administrator or investigator appointed by the Business Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Business Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

**c. Investigation:** The Business Administrator will seek the advice of the Township Attorney or the Township Labor Counsel when planning the investigation. The investigation should be conducted by the Police Department or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

**d. Response Plan – No Corrective Action Required:** The Business Administrator will discuss the conclusions with the Township Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care

should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Township of Pemberton is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

**e. Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate with the advice of the Township Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

### **Requests for Employment Verification and Reference Procedure:**

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Assistant to the Mayor and the Business Administrator. No employee may issue a reference letter without the permission of the Business Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Assistant to the Mayor and the Business Administrator will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Township of Pemberton is required to release the information by law or (2) the employee or former employee authorizes the Township of Pemberton in writing to furnish this information and releases the Township of Pemberton from liability.

### **Continuing Education Procedure:**

The Business Administrator will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Township of Pemberton will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Township of Pemberton employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

## **SECTION SIX:**

### **Forms**

- a. Notice of Personnel Discussion----- page 56
- b. Sample Notices Concerning Whistleblower Act----- page 58
- c. Employee Complaint Form----- page 60
- d. Application for Employment----- page 62
- e. NJ Division of Civil Rights Guide on Pre-Employment Inquiries----- page 68
- f. Performance Appraisal----- page 70
- g. Counseling Action Plan----- page 72
- h. Employee Evaluation Checklist----- page 74
- i. Fingerprint and Background Check Consent Form For Employees,  
Job Applicants, and Volunteers That May Work or  
Have Contact with Minors----- page 75

Mayor  
David A. Patriarca

Business Administrator  
Dennis Gonzalez



Council Members  
Jason Allen  
Kenneth Cartier  
Sherry Scull  
Diane Stinney  
Norma Trueblood

## NOTICE OF PERSONNEL DISCUSSION

To: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

This is to notify you, pursuant to the Open Public Meetings Act, that the Township Council plans to discuss the subject matter(s) checked below relating to your employment.

- Application for Employment
- Promotion or Transfer
- Compensation
- Performance Evaluation
- Special Leave Request
- Grievance
- Discipline
- Possible Termination
- Other (Specify): \_\_\_\_\_

The discussion will take place at the following meeting(s):

Date of Meeting(s): \_\_\_\_\_

Time: \_\_\_\_\_

Location: \_\_\_\_\_

The discussion will be in closed session, not open to the public, unless before the meeting the Township Council Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be

closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: \_\_\_\_\_ Signed: \_\_\_\_\_ (title) \_\_\_\_\_

# Conscientious Employee Protection Act "Whistleblower Act"

## Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
  - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
  - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
  - c. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
    - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
    - (2) is fraudulent or criminal; or
    - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.  
N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

### CONTACT INFORMATION

The following contact person has been designated to answer your questions or provide information regarding your rights and responsibilities under this act (N.J.S.A. 34:19-4):

Primary Contact: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

### ***This notice must be conspicuously displayed.***

Once each year, employers must distribute notice of this law to their employees.  
If you need this document in a language other than English  
or Spanish, please call (609) 292-7832.

# La Ley de protección al empleado consciente

## *“Ley de protección del denunciante”*

### Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
  - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
  - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
  - c. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
    - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado de la salud que tiene motivos fundados para pensar que se trata de la atención inadecuada al paciente;
    - (2) es fraudulenta o delictiva; o
    - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

#### Información del Contacto

La persona siguiente para ha sido designada a contestar sus preguntas o, proporcionar información adicional relacionada con sus derechos y responsabilidades según lo indica esta ley (N.J.S.A. 34:19-4):

Nombre: \_\_\_\_\_

Dirección: \_\_\_\_\_

Número de teléfono: \_\_\_\_\_

### ***Este aviso se debe exponer a la vista de todos.***

Una vez por año, los empleadores deben de distribuir un aviso de esta ley a sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832. Posiblemente, una carga nominal puede ser cobrada.



**Township of Pemberton Employee Complaint Form**  
Attach additional sheets if necessary to fully complete all questions

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Date \_\_\_\_\_

NAME: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

TITLE: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

Time period covered by this complaint: \_\_\_\_\_

**Individuals who allegedly committed the acts being complained of:**

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**Describe the nature and dates of the acts allegedly committed by each individual:**

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**Identify all persons with knowledge of the complained conduct:**

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**Are there any documents or other evidence that supports the occurrences described above?**

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**If you previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.**

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**Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?**

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**Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.**

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**What is your requested remedy for this complaint?**

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**ACKNOWLEDGMENT**

The information provided above is true and correct to the best of my knowledge.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

# Township of Pemberton

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

\_\_\_\_\_  
(Address)

## Employment Application:

### Applicant Information:

Name (Last, First, Middle): \_\_\_\_\_

Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

Phone (Work): ( ) \_\_\_\_\_ (Home): ( ) \_\_\_\_\_

Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Position applied for: \_\_\_\_\_

Have you ever applied to the (local unit type) before: \_\_\_ Yes \_\_\_ No If yes, give date \_\_\_\_\_

Date you can start: \_\_\_\_\_ Salary desired: \_\_\_\_\_

Are you available to work: \_\_\_ Full time \_\_\_ Part time \_\_\_ Shift work \_\_\_ Temporary

Are you currently employed: \_\_\_ Yes \_\_\_ No May we contact you at work: \_\_\_ Yes \_\_\_ No

May we contact your current employer: \_\_\_ Yes \_\_\_ No

Are you currently on layoff status and subject to recall: \_\_\_ Yes \_\_\_ No

Do you possess a current driver's license: \_\_\_ Yes \_\_\_ No

Do you possess a current commercial driver's license: \_\_\_ Yes \_\_\_ No

Please list any endorsements: \_\_\_\_\_

If you are under eighteen years of age, can you provide proof of eligibility to work: \_\_\_ Yes \_\_\_ No

Are you legally eligible to work in the United States of America: \_\_\_ Yes \_\_\_ No

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Have you ever pleaded guilty or been found guilty of a crime or disorderly persons offense: \_\_\_ Yes \_\_\_ No

Employment is conditional upon the results of the criminal background check. An answer of "Yes" may disqualify you from employment depending upon the circumstances involved. If "Yes", please explain below.

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The Township of Pemberton is an Equal Opportunity Employer M/F

**Employment History:** This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			

**Comments:**

**Education:** Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

**Languages:** List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

**Special Skills & Experience:** State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

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**Comments & Additional Information:** Is there any additional information about you we should consider?

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**References:** Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

**Understandings and Agreements:**

As an applicant for a position with the (local unit type), I understand and agree that I must provide truthful and accurate information in this application. I understand that my application may be rejected if any information is not complete, true and accurate. If hired, I understand that I may be separated from employment if the (local unit type) later discovers that information on this form was incomplete, untrue, or inaccurate. I give the (local unit type) the right to investigate the information I have provided, talk with former employers (except where I have indicated they may not be contacted). I give the (local unit type) the right to secure additional job-related information about me. I release the (local unit type) and its representatives from all liability for seeking such information. I understand that the (local unit type) is an equal-opportunity employer and does not discriminate in its hiring practices. I understand that the (local unit type) will make reasonable accommodations as required by the Americans with Disabilities Act. I understand that, if employed, I may resign at any time and that the (local unit type) may terminate me at any time in accordance with its established policies and procedures. No representatives of the (local unit type) may make any assurances to the contrary. I understand that any offer of employment may be subject to job-related medical, physical, drug, or psychological tests. I also understand that some positions may involve complete background and criminal checks. *For your application to be considered, you must sign and date below.*

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

**Voluntary Affirmative Action Information**

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

**Applicant Information:**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/town: \_\_\_\_\_

Phone: (    ) \_\_\_\_\_

**Position Applied For:** \_\_\_\_\_

**How did you learn about this position?**     Advertisement     Employment Agency  
 Friend     Relative     Walk-in     Other (Explain) \_\_\_\_\_

**Information Regarding Status:**

**Gender:**

Male

Female

**Equal Employment Opportunity identification groups:**

White

African-American (non-Hispanic)

Hispanic

American Indian/Alaskan native

Asian/Pacific Islander

Other \_\_\_\_\_

**Other protected Groups:**

Individual with a disability

Vietnam-era veteran (served between 1964 and 1975)

Disabled veteran

<b>For (local unit type) use only</b>		
Hired: <input type="checkbox"/> Yes <input type="checkbox"/> No	Position _____ Date _____	
<b>Which EEO job classification best describes the position for which the applicant applied?</b>		
1. Officials and Managers	4. Sales workers	7. Operators( semi-skilled)
2. Professionals	5. Office and clerical workers	8. Laborers (unskilled)
3. Technicians	6. Craft workers (skilled)	9. Service workers
(local unit type) Official _____	Date _____	

**This page for (local unit type) use only!**  
**Results of interview**

**Interviewer:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Time:** \_\_\_\_\_

## NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
<b>Name</b>	<ul style="list-style-type: none"> <li>a) The fact of a change of name or the original name of an applicant whose name has been legally changed</li> <li>b) Maiden name</li> </ul>	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
<b>Birthplace and Residence</b>	<ul style="list-style-type: none"> <li>a) Birthplace of applicant</li> <li>b) Birthplace of applicant's parents</li> <li>c) Requirement that applicant submit birth certificate, naturalization or baptismal record</li> <li>d) Own home, rent, board or live with parents</li> <li>e) Citizenship</li> </ul>	<ul style="list-style-type: none"> <li>a) Are you in the United States on a visa, which prohibits you from working here?</li> <li>b) Are you either a US citizen or a permanent resident alien?</li> </ul>
<b>Creed and Religion</b>	<ul style="list-style-type: none"> <li>a) Applicant's religious affiliation</li> <li>b) Church, parish, or religious holidays observed by applicant</li> </ul>	
<b>Race or Color</b>	<ul style="list-style-type: none"> <li>a) Applicant's race</li> <li>b) Color of applicant's skin, eyes, hair, etc.</li> <li>c) Driver's license number</li> </ul>	
<b>Photographs</b>	<ul style="list-style-type: none"> <li>a) Photographs with application</li> <li>b) Photographs after interview, but before a hiring</li> </ul>	
<b>Age</b>	<ul style="list-style-type: none"> <li>a) Date of birth or age of applicant</li> <li>b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age</li> <li>c) Driver's license number</li> </ul>	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
<b>Language</b>	<ul style="list-style-type: none"> <li>a) Applicant's mother tongue</li> <li>b) Language commonly used by applicant at home</li> <li>c) How the applicant acquired ability to read, write, or speak a foreign language</li> </ul>	Language applicant speaks and/or writes fluently (only if job related)
<b>Relatives</b>	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
<b>Military Experience</b>	<ul style="list-style-type: none"> <li>a) Applicant's military experience in other than United States Armed Forces</li> <li>b) National Guard or Reserve Units of applicant</li> <li>c) Draft classification or other eligibility for military service</li> <li>d) Applicant's whereabouts during periods of armed conflict</li> <li>e) Dates, conditions and type of discharge</li> </ul>	<ul style="list-style-type: none"> <li>a) Military experience of applicant in Armed Forces of United States only when used for employment history</li> <li>b) Whether applicant has received any notice to report for duty in Armed Forces</li> </ul>

<b>Category</b>	<b>It is discriminatory to inquire about:</b>	<b>Some examples of acceptable inquiries:</b>
<b>Organizations</b>	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
<b>References</b>	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
<b>Sex and Marital Status</b>	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation	
<b>Arrest and Conviction Record</b>	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job
<b>Height and Weight</b>	Any inquiry into height or weight of applicant	
<b>Physical Disabilities</b>	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in questions involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
<b>Education</b>	Whether or not the applicant is a high school graduate	a) Show highest grade completed b) Detail your educational background

# Township of Pemberton PERFORMANCE APPRAISAL

EMPLOYEE NAME: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

DEPARTMENT/JOB TITLE: \_\_\_\_\_ DATE OF HIRE: \_\_\_\_\_

PRESENT REVIEW DATE: \_\_\_\_\_ LAST REVIEW DATE: \_\_\_\_\_ TIME IN POSITION (YRS.): \_\_\_\_\_

Use the Comments section to note goals being appraised and to provide future goals.

## Overall Rating (circle)

1 – Does not meet minimum standards    2 - Needs Improvement    3 – Meets Job Requirements    4 – Exceeds Expectations

### TRAINING/ JOB KNOWLEDGE: *Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.*

- |   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job. | <input type="checkbox"/> New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge. | <input type="checkbox"/> Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job. | <input type="checkbox"/> Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations. |
|---|--|--|---|

Comments:

### PERFORMANCE: *Consider dependability, communication skills, and the quality and quantity of work based on established standards.*

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Frequently damages government property and/or equipment. Work not up to expectations. | <input type="checkbox"/> Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected. | <input type="checkbox"/> Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors. | <input type="checkbox"/> Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible. |
|--|---|--|---|

Comments:

### WORK CONDUCT: *Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.*

- |   |   |   |   |
|---|---|---|---|
| <input type="checkbox"/> Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers. | <input type="checkbox"/> Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner. | <input type="checkbox"/> Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code. | <input type="checkbox"/> Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way. |
|---|---|---|---|

Comments:

### COOPERATION: *Consider teamwork, or the ability to work with others in a cooperative and productive manner.*

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances. | <input type="checkbox"/> Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others. | <input type="checkbox"/> Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed. | <input type="checkbox"/> Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork. |
|--|---|---|--|

Comments:

### SAFETY: *Consider the respect shown for self, co-workers and public.*

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions. | <input type="checkbox"/> Sometimes disregards safety procedures or misuses equipment. | <input type="checkbox"/> Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards. | <input type="checkbox"/> Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. Suggests safety improvements. |
|---|---|--|--|

Comments:

**CUSTOMER SERVICE: Consider responsiveness to public the needs and requests.**

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> Responds inappropriately to questions, requests, or situations. | <input type="checkbox"/> Occasionally does not respond tactfully or completely. | <input type="checkbox"/> Exhibits courtesy and tact. Answers questions or refers to the appropriate party. | <input type="checkbox"/> Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information. |
|--|---|--|---|

Comments:

**JUDGMENT: Consider ability to produce quality work in a cost conscious manner without needing guidance from manager.**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision. | <input type="checkbox"/> Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems. | <input type="checkbox"/> Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes. | <input type="checkbox"/> Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information. |
|--|---|--|--|

Comments:

**ATTENDANCE: Consider absenteeism and punctuality.**

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Frequently arrives to work late. Excessive absenteeism beyond allotted time. | <input type="checkbox"/> Occasionally arrives late. Uses nearly all allotted sick time each year. | <input type="checkbox"/> Always arrives on time. Takes an average amount of sick time. | <input type="checkbox"/> Always prepared for work. Highly reliable attendance. |
|---|---|--|--|

Comments:

**VOLUNTEER : Consider willingness to volunteer at work and in the community.**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Never volunteers to help. Puts down others who do volunteer work. | <input type="checkbox"/> Usually not interested in volunteering for projects, teams, etc. | <input type="checkbox"/> Willing to volunteer if asked to volunteer. | <input type="checkbox"/> Actively seeks opportunities to volunteer at both work or in the community. |
|--|---|--|--|

Comments:

**DIRECTING WORK: Consider planning, organizing, problem solving, leadership, and supervisory skills.**

Does this person have supervisory responsibilities?

- [ ] All the time as part of job requirement.  
[ ] Supervises on an as needed basis.

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly. | <input type="checkbox"/> New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor. | <input type="checkbox"/> Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example. | <input type="checkbox"/> Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems. |
|--|---|---|---|

Comments:

**EMPLOYEE COMMENTS:**

**I have reviewed the appraisal and discussed its contents with my supervisor.**

**EMPLOYEE SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**SUPERVISOR SIGNATURE** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Township of Pemberton COUNSELING ACTION PLAN**

---

**EMPLOYEE NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**DEPARTMENT:** \_\_\_\_\_ **POSITION:** \_\_\_\_\_

**I met with the above employee to discuss performance regarding the following problem(s):**

This is a  *verbal*,  *written*,  *final* meeting with this employee concerning this matter.

**State the reason for the counseling session:**

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**Employee's performance is not acceptable for the following specific reasons:**

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**Employee must achieve the following goals in order to reach acceptable standards:**

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**Employee should reach these goals by:**

- Immediately
- Employee is on a probationary status and will be re-evaluated on \_\_\_\_\_
- Employee is Suspended: Dates: \_\_\_\_\_

**Consequences of failure to improve or achieve goals:**

- May result in further disciplinary action, up to and including termination.
- Termination.

**Employee's Comments:**

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**I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.**

**Employee Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department Head Signature** \_\_\_\_\_ **Date:** \_\_\_\_\_

**(CEO title) Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Township of Pemberton EMPLOYEE EVALUATION CHECKLIST**

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**BE PREPARED**

- Know the objectives and goals of the meeting.

**TIME AND PLACE**

- Choose a quiet, private spot with as few interruptions as possible.

**CONDUCTING THE INTERVIEW**

- Create a positive environment and help the employee feel at ease.
- Give balanced feedback, both positive and negative, but start with the positive.
- Focus on the job, NOT the person.
- Ask questions and allow the employee to provide feedback.
- When discussing areas for improvement, discuss methods and objectives for improving.
- Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

**CONCLUSION**

- Summarize and review the important points of the discussion.
- Restate the action steps that have been recommended and provide a time frame for completion.
- Make sure employee reviews the appraisal and provides comments.
- Have employee sign the acknowledgement that the employee has read the appraisal (does not signify agreement with the content).

**FOLLOW-UP**

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.

**Fingerprint and Background Check Consent Form  
For Employees, Job Applicants, and Volunteers That May Work or Have  
Contact with Minors**

In accordance with Township of Pemberton Ordinance and N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the Township of Pemberton requires background checks on all individuals who will be working with children. .

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFT all offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS  
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES  
all offenses **except** paragraph (4) of subsection a. of NJS.2C:35-10

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Name (please print)

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Applicant's signature

Date

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Parent's signature (if applicant is under 18)

Date

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## Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of the 2016 Township of Pemberton Personnel Policies and Procedures Manual & Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my Department Head, the Business Administrator or the Assistant to the Mayor and the Business Administrator. I understand that Township of Pemberton is an "at will" employer and consistent with and subject to the New Jersey Civil Service Act as well as applicable collective negotiations agreements, employment with the Township of Pemberton is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice except as may be provided by applicable Federal and State law. No supervisor or other representative of the Township of Pemberton has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states Township of Pemberton's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with Township of Pemberton for benefits or for any other purpose. I also understand that these policies and procedures supersede the May 1, 2014 Policies and Procedures Manual previously promulgated. This amendment shall be effective on **September 21, 2016** but remain under continual evaluation and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Assistant to the Mayor and the Business Administrator.

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

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

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

Department: \_\_\_\_\_