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## **EMPLOYEE POLICIES AND PROCEDURES MANUAL**

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### **BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PASSAIC**

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**Article I. General Information**

**Section 1.01 Authority.**

The Board is authorized to manage the property, finances, and affairs of the County, and delegate such executive and administrative powers, duties, functions, and responsibilities to the County Administrator. See N.J.S.A. 40:20-1. The Employee Policy and Procedures Manual has been adopted by the Board to ensure an efficient and productive County government, in compliance with State and federal laws.

<b>ADOPTION</b>	<b>DATE</b>	<b>RESOLUTION NUMBER</b>
Approval of Personnel Manual	September 14, 2010	R10569
Approval of Personnel Manual	June 9, 2015	R20150377
Approval of Indemnification Policy	December 29, 2016	R20161055
Earned Sick Leave Policy	March 12, 2019	R20190213

**Section 1.02 At-Will Statement and Disclaimer.**

The contents of the Personnel Manual summarize the current benefits and guidelines within the County and are intended as guidelines only. The County reserves the right to change, delete, suspend, or discontinue any part or parts of the Personnel Manual at any time, without prior notice, and any such action shall apply to existing and future employees. Employees should be aware that these benefits and guidelines may be changed at any time, and that depending upon the circumstances of a given situation, the County's actions may vary from the provisions of the Personnel Manual. As such, the contents of the Personnel Manual do not constitute the terms of a contract of employment.

It should be noted that nothing contained in the Personnel Manual should be construed as a guarantee of continued employment. Employment with the County is on an at-will basis. This means that either the employee or the County, with or without cause, may terminate the employment relationship at any time with or without notice, for any reason not expressly prohibited by law. Any exception must be expressly authorized and signed by the County Administrator.

The Personnel Manual supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that the County will comply with all federal, State, and local laws. Should any provision in this Manual be found to be unenforceable and/or invalid, such finding does not invalidate the entire Personnel Manual, but only the subject provision.

The Personnel Manual has been written so as not to conflict with the collective negotiations agreements between the County and its unionized employees. **If there is a conflict between the Personnel Manual and any collective negotiations agreement, the provisions of the collective negotiations agreement will prevail with respect to unionized employees.**

The Personnel Manual has been written so as not to conflict with the provisions and mandates of the laws and regulations governing civil service employment in the State of New Jersey. If there is a conflict between the Personnel Manual and any such mandate, rule, or regulation made by the Civil Service Commission, same will prevail for Classified employees.

Upon being hired or following an amendment to the Personnel Manual, employees are required to execute the Acknowledgment of Receipt of Personnel Manual available on the County website.

**Section 1.03**    Standard of Conduct.

(a) Policy.

It is the policy of the County that certain rules and regulations regarding employees' behavior are necessary for the efficient operation of the County government and for the benefit and safety of its employees and the public it serves. Conduct by an employee that interferes or disrupts the operation of the workplace will not be tolerated.

(b) Supervisors.

Employees serving in a supervisory role are responsible for communicating acceptable and unacceptable standards of conduct, exemplifying acceptable standards of conduct, and fairly and equitably enforcing such regulations as outlined in the Personnel Manual. Failure of a supervisor to take appropriate action regarding the policies as outlined in the Personnel Manual may result in disciplinary action.

(c) General Duties and Responsibilities.

All County employees shall:

- i. Observe and respect the civil and constitutional rights of all persons.
- ii. Obey all federal, State, County, or local laws, including, but not limited to, the Administrative Code adopted by the Board.
- iii. Obey all lawful orders, written or oral, issued to them by a competent authority or supervisor, including any order relayed on behalf of a supervisor by an employee of the same or lesser rank or position.
- iv. Address supervisors, subordinates, associates, and members of the public courteously and do not use abusive, insulting, or provoking language.
- v. Always be civil and courteous, maintain an even disposition and remain calm, regardless of provocation, in executing their duties.
- vi. Assist the public in any reasonable request.
- vii. Cooperate and coordinate efforts with other employees and other governmental agencies to ensure efficient governmental operations.
- viii. Not knowingly lie, provide misleading information, or falsify oral or written communications in any official report when it is reasonable to expect that the information may be relied upon because of the employee's affiliation with the County.
- ix. Not be a member of or support any organization that advocates for the violent overthrow of the government of the United States, State of New Jersey, or any unit of local or county government.

- x. Not be a member of or support any organization that is designated by the federal or State government as a foreign and/or domestic terrorist organization.
- xi. Not incur any financial obligation on behalf of the County without proper authorization and in compliance with the policies as set forth in the Purchasing Manual.
- xii. Not accept or imply acceptance of financial liability for loss or damage on behalf of the County without proper authorization.
- xiii. Not utilize the County's name, affiliation, emblem, logo, or reasonable facsimile thereof, in furtherance of any personal or familial business, outside employment, venture, or objective.
- xiv. Exercise proper care and use of County property and equipment assigned to or used by the employee, and promptly report any loss, damage, destruction, or defect to their supervisor.
- xv. Assume financial responsibility for loss, damage, or destruction of County property resulting from the intentional misuse of or for purposefully causing damage to County property.

(d) Reporting Procedures.

Any employee who has been subject to or is aware of a fellow employee engaging in conduct in violation of the policies in the Personnel Manual should report it immediately to his/her supervisor and/or department head. If the supervisor and/or department head is the offending person, the employee can report the matter to the Director of Human Resources, County Administrator, or County Counsel. Employees may be required to follow any additional reporting requirements as listed in other policies, in the Personnel Manual, or by law.

**Section 1.04** Management Rights.

The County retains and reserves all power, rights, authority, duties, and responsibilities conferred upon and vested in it by law and the Constitution of the United States and State of New Jersey, including, but not limited to, the following:

- (a) To manage and control the County, its properties and facilities, the operation of its departments, and the activity of its employees.
- (b) To hire all employees and, subject to rules and regulations promulgated by the Civil Service Commission for classified employees, to determine:
  - i. Qualifications.
  - ii. Standards of performance.
  - iii. Conditions for continued employment or assignment, promotion, and transfer of employees.

- (c) To layoff, suspend, demote, discharge, or take disciplinary action against employees pursuant to the law.
- (d) To create and enforce rules, regulations, policies, and procedures to ensure the orderly and effective administration of the County.

**Section 1.05** Administration of Personnel Policies.

The Personnel Manual is administered and implemented by the Department of Human Resources. If there are any questions regarding any of the policies in the Personnel Manual and/or adherence to same, contact the Director of Human Resources.

**Section 1.06** Violation of Personnel Policies.

Employees who exhibit any behavior contrary to the policies outlined in the Personnel Manual may be subject to disciplinary action, up to and including termination.

**Section 1.07** Civil Service Commission.

The County is a participant in the Civil Service Commission. The Civil Service Commission was established pursuant to N.J.S.A. 11A:1-1, et seq., and mandates certain procedures and policies with respect to the hiring and discipline of County employees, which are set forth in N.J.A.C. 4A:1-1.1, et seq.

(a) Civil Service Category of Employees.

The Civil Service Commission has three (3) categories of employees, each with different rights under N.J.S.A. 11A:1-1, et seq. and N.J.A.C. 4A:1-1.1, et seq.

- i. “Classified” employees are individuals who are employed in positions and job titles subject to the tenure provisions of N.J.S.A. 11A:1-1, et seq.
- ii. “Provisional” employees are individuals who are employed in a competitive division of the career service pending the appointment of a person from an eligible list.
- iii. “Unclassified” employees are individuals who are in positions and job titles outside of the senior executive service, not subject to the tenure provisions of N.J.S.A. 11A:1-1, et seq. and N.J.A.C. 4A:1-1.1, et seq.

(b) Discipline of Classified Employees.

Classified employees shall be disciplined in compliance with N.J.A.C. 4A:2-2.1, et seq., as follows:

i. Major Discipline.

A major discipline is defined as the County seeking removal, demotion, suspension, or fine for more than five (5) working days at any one time for a violation of the general causes set forth in N.J.A.C. 4A:2-2.3, or violation of any policy as set forth in the Personnel Manual. An employee will be served with a Preliminary Notice of Disciplinary Action setting forth the charges and a statement of facts supporting the charges. Prior to the imposition of major discipline, the employee is afforded a right to a hearing, if

requested within five (5) days of receipt of the PNDA, unless the employee is deemed unfit for duty or is a hazard to any person if permitted to remain on the job, or an immediate suspension is necessary to maintain safety, health, order, or effective direction of public services, or when the employee is formally charged with a crime of the first, second, third, or fourth degree, while on the job or which is directly related to the job.

ii. Minor Discipline.

A minor discipline is defined as the County seeking formal written reprimand, suspension or fine of five working days or less for a violation of the general causes set forth under N.J.A.C. 4A:2-2.3, or violation of any policy as set forth in the Personnel Manual.

(c) Resignation.

Any permanent employee in the career service may resign in good standing by giving the County at least fourteen (14) days written or verbal notice, unless the County consents to a shorter notice. The resignation shall be considered accepted by the County upon receipt of the notice of resignation. A request to rescind the resignation prior to its effective date may be consented to by the County. Where it is alleged that a resignation was the result of duress or coercion, an appeal may be made to the Civil Service Commission under N.J.A.C. 4A:2-1.1.

**Section 1.08** Collective Negotiations Agreements.

The employment terms set out in the Personnel Manual work in conjunction with, and do not replace, amend, or supplement any contrary terms or conditions stated in any collective negotiations agreement that a union has with the County. Wherever employment terms in the Personnel Manual differ from the terms expressed in the applicable collective negotiations agreement with the County, employees should refer to the specific terms of the collective negotiations agreement, which will control.

**Section 1.09** Code of Ethics.

All employees are subject to the Code of Ethics adopted by the Board pursuant to the Local Government Ethics Law. Employees who exhibit any behavior contrary to the policies outlined in the Code of Ethics may be subject to disciplinary action, up to and including termination.

**Section 1.10** Definitions.

- (a) "ADA" shall mean the Americans with Disability Act of 1990, 42 U.S.C. 12101, et seq.
- (b) "Administrative Code" shall mean the Passaic County Administrative Code adopted pursuant to N.J.S.A. 40:20-1.3.
- (c) "Board" shall mean Board of County Commissioners of the County of Passaic.
- (d) "CEPA" or "Conscientious Employee Protection Act" shall mean the Conscientious Employee Protection Act, N.J.S.A. 34:19-1, et seq.
- (e) "Chapter 78" shall mean P.L. 2011, c. 78.



- (f) “COBRA” shall mean the Consolidated Omnibus Budget Reconciliation Act, which gives employees and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events.
- (g) “Code of Ethics” shall mean the Passaic County Ethics Code adopted pursuant to N.J.S.A. 40A:9-22.15.
- (h) “County” shall mean the County of Passaic.
- (i) “EAP” shall mean the Passaic County Employee Assistance Program.
- (j) “Earned Sick Leave Law” shall mean the Earned Sick Leave Law, N.J.S.A. 34:11D-1, et seq.
- (k) “Elected Official” shall mean any official whose position is regularly filled at an election by the voters but does not include any officer whose position is established by the State Constitution.
- (l) “Emergency Responders Employment Protection Act” shall mean N.J.S.A. 40A:14-213, et seq.
- (m) “Essential Employee” shall mean public safety workers, first responders, employees providing medical or other healthcare services, emergency transportation, social services, or other care services, or employees who are otherwise deemed essential.
- (n) “Family and Medical Leave Act” or “FMLA” shall mean 29 U.S.C. 2601, et seq.
- (o) “FNDA” shall mean Final Notice of Disciplinary Action.
- (p) “Hatch Act” shall mean An Act to Prevent Pernicious Political Activities, 5 U.S.C. 7321, et seq.
- (q) “HIPPA” shall mean the Health Insurance Portability Protection Act, 42 U.S.C. 1320d, et seq.
- (r) “Gubernatorial Appointees” shall mean the Passaic County Board of Taxation, the Passaic County Superintendent of Elections, the Passaic County Prosecutor, and the Passaic County Superintendent of Schools.
- (s) “Insurance Commission” shall mean the County of Passaic Insurance Commission.
- (t) “Insurance Division” shall mean the County of Passaic Insurance Division.
- (u) “LAD” shall mean the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq.
- (v) “Local Government Ethics Law” shall mean the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et seq.
- (w) “New Jersey Family Leave Act” or “NJFLA” shall mean N.J.S.A. 34:11B-1, et seq.
- (x) “New Jersey Family Leave Insurance” or “NJFLI” shall mean N.J.S.A. 43:21-39.1, et seq.

- (y) “NJ SAFE Act” shall mean the New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq.
- (z) “OPRA” shall mean the Open Public Records Act, N.J.S.A. 47:1A-1, et seq.
- (aa) “PEOSHA” shall mean the New Jersey Public Employees’ Occupational Safety and Health Act, N.J.S.A. 34:6A-25, et seq.
- (bb) “Personnel Manual” shall mean the County of Passaic Employee Policies and Procedures Manual.
- (cc) “PNDA” shall mean Preliminary Notice of Disciplinary Action.
- (dd) “Protected Categories” shall mean sex, race, creed, color, religion, national origin, ancestry, age, marital/domestic partnership/civil union status, familial status, affectional or sexual orientation, atypical heredity cellular or blood trait, genetic information, disability, hair style, gender identity or expression, or liability for service in the Armed Forces of the United States, as well as any other characteristic protected by State or federal law.
- (ee) “Purchasing Manual” shall mean the County of Passaic Purchasing Manual.
- (ff) “State” shall mean the State of New Jersey.
- (gg) “Temporary Disability Insurance” or “TDI” shall mean N.J.S.A. 43:21-25, et seq.
- (hh) “Uniformed Services Employment and Reemployment Rights Act” or “USERRA” shall mean 38 U.S.C. 4301, et seq.
- (ii) “Workers’ Compensation Act” shall mean N.J.S.A. 34:15-1, et seq.

**Article II. Employee Rights and Obligations**

**Section 2.01 State Residency Requirement.**

- (a) In accordance with N.J.S.A. 52:14-7 (P.L. 2011, c. 70), every County employee shall have his/her principal place of residence in the State of New Jersey. New Hires shall have one year from the time of taking office, employment, or position to satisfy the requirement of principal residency. Failure to satisfy the requirement shall render the employee unqualified for holding office, employment, or position with the County.
- (b) If a County employee held his/her office, employment, or position with the County prior to September 1, 2011 (the effective date of P.L. 2011, c. 70), then he or she is not subject to the residency requirement so long as he or she continues to hold the office, employment, or position. A break in service of more than seven (7) days will void this exception.

**Section 2.02 Equal Employment Opportunity Policy.**

- (a) The County is committed to providing an equal employment opportunity for all employees and applicants seeking employment opportunities, which includes but is not limited to, recruitment, selection, hiring, training, transfer, layoff, return from layoff, compensation, and fringe benefits.

- (b) Consistent with the laws set forth in Title VII of the 1964 Civil Rights Act, as amended by the Equal Employment Opportunity Act of 1972 and the New Jersey Law Against Discrimination as well as any other applicable State or federal law, under no circumstances will the County discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital/domestic partnership/civil union status, familial status, affectional or sexual orientation, atypical heredity cellular or blood trait, genetic information, disability, hairstyle, gender identity or expression, or liability for service in the Armed Forces of the United States as well as any other characteristic protected by State or federal law (hereinafter the “Protected Categories”). Accordingly, all employment opportunity will be based solely on the qualifications and performance of the employee or prospective employee.
- (c) If any employee or prospective employee feels he or she has been treated unfairly, he or she has the right to address his or her concerns with his/her supervisor, or if he/she prefers, the department head, the Director of Human Resources, the County Administrator, County Counsel, or any other supervisor with whom he or she feels comfortable. All complaints should be made in accordance with the procedure set forth in the Personnel Manual.
- (d) Employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring their concerns to the attention of the Director of Human Resources, County Administrator, or County Counsel.

**Section 2.03**    Accommodation Policy.

The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person’s physical or mental disability, or because they are pregnant, and the employee can perform the essential job functions.

- (a) ADA and LAD Accommodation Policy.
  - i. While both of these laws create protections for people with disabilities, the LAD’s more expansive definition defines “disability” as a physical or sensory disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, muteness or speech impairment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological, or developmental disability, including autism spectrum disorders, resulting from anatomical, psychological, physiological, or neurological conditions which prevents the typical exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection. See N.J.S.A. 10:5-5(q).
  - ii. The County endeavors to make every work environment accessible to persons with disabilities and all future construction and renovations of facilities will be in accordance with applicable barrier-free federal and State regulations, as well as the Americans with Disabilities Standards for Accessible Design. In the interim, all requests to address a physical plan issue shall be addressed through the reasonable accommodation process outlined below.

(b) Pregnancy, Childbirth, and Related Medical Conditions Accommodation Policy.

In accordance with the LAD, the County will endeavor to provide a reasonable accommodation to pregnant employees and those who suffer medical conditions related to pregnancy and childbirth. The accommodations may include, but are not limited to bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, so long as the accommodation does not create an undue hardship to the County.

(c) Requesting an Accommodation.

- i. An applicant or employee who requires an accommodation for a recognized disability to perform the essential functions of the job he or she holds, or desires, should contact the Director of Human Resources and complete the Reasonable Accommodation Form, available on the County website. The request for accommodation may be oral or written and can be made by the employee or someone acting on behalf of the employee.
- ii. The County will consider all requests for reasonable accommodation. The request triggers an interactive process between the County and the employee to determine what accommodation, if any, may exist to meet the needs of the employee. As part of this process, the County may ask for additional information about the job performance difficulties. This may include the request of a doctor's note sufficient to substantiate that a qualified disability exists and that there is a need for an accommodation. Employees are expected to fully cooperate in the interactive process, including making every effort to provide the medical documentation needed.
- iii. The process may not result in the specific accommodation requested if such a request would result in an undue hardship to the County. The County may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another, but the County retains the ultimate discretion as to what accommodation, if any, may be approved.
- iv. The Director of Human Resources shall be responsible for overseeing and engaging in the interactive process, and for communicating with employees and applicants with disabilities to identify reasonable accommodations. All decisions about reasonable accommodations shall be made by the Director of Human Resources. An employee will be informed of the decision regarding the request for a reasonable accommodation after being issued the Reasonable Accommodation Determination Form, available on the County website.

**Section 2.04** Workplace Safety Policy.

- (a) The County attempts to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees' Occupational Safety and Health Act.
- (b) The County 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.

- (c) Any occupational of unsafe public condition, practice, procedure, or act must be immediately reported to the supervisor or department head. Employees are encouraged to discuss their safety concerns with supervisory personnel.
- (d) Any on-the-job accident or any accident involving County facilities, equipment, or motor vehicles must also be reported to the supervisor or department head and Insurance Division within twenty-four (24) hours, or the next business day (e.g., if the accident occurs on a weekend, it must be reported on Monday). Failure to do so may result in disciplinary action.

**Section 2.05** Alcohol and Drug-Free Policy.

- (a) The County is committed to protecting the safety, health, and well-being of all County employees as well as members of the public within our workplace. It is recognized that alcohol and drug abuse pose a significant threat to the safety of the workplace. As such, the County has established an alcohol and drug-free workplace policy that balances the respect for individual privacy with the need to maintain an environment free of alcohol and drug use.
- (b) At the onset, we encourage County employees to voluntarily seek help with drug and/or alcohol problems. If an employee feels that he or she needs help dealing with a drug or alcohol related issue, he or she can utilize the services of the EAP.
- (c) Being under the influence of as well as manufacturing, distributing, dispensing, being in possession of, or using alcohol and/or unlawful drugs on County premises or during work hours is strictly prohibited and may subject the employee to discipline, up to and including termination.
- (d) Any employee who is observed by a supervisor or department head to be under the influence of unlawful drugs and/or alcohol during working hours, or whose conduct otherwise causes a reasonable suspicion of same, shall be removed from duty and may be subject to discipline, up to and including termination.
- (e) Where there is a reasonable suspicion that an employee is under the influence of alcohol, cannabis, and/or unlawful drugs based on the employee's work performance, or in cases where employment has been conditioned upon remaining alcohol and/or drug free following treatment, the employee may be required to submit to drug/alcohol testing. An employee may also be sent for drug/alcohol testing where a workplace accident has occurred and there is reasonable suspicion to believe that an employee's use of such substances contributed to the cause of the accident. Refusal to submit to testing when required may result in disciplinary action, up to and including termination.
- (f) Any accident which occurs while operating a motor vehicle shall also be governed by the County Vehicle Policy. See Section 3.07. Employees with a Commercial Driver's License shall also be subject to drug testing, including random testing, as a condition of holding that license and as governed by federal law.
- (g) Any supervisor or department head who observes behavior constituting reasonable suspicion shall contact the Director of Human Resources immediately. The supervisor or department head may not send the employee home as an alternative to testing.

(h) Procedures for Drug and Alcohol Testing.

- i. If reasonable suspicion exists, the County shall test an employee for the following substances: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone, and Propoxyphene. Details regarding the procedure and method(s) for testing are available from the Department of Human Resources.
- ii. The County may require follow-up testing for an employee whose employment is maintained after testing positive for one of the substances listed above. The County also reserves the right to require return-to-duty testing prior to recommencing employment with the County after a positive test result.

(i) Prescription Drug Use by Employees.

- i. Employees using prescription drugs that may affect job performance or safety shall notify the Director of Human Resources or his/her designee who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with applicable law.
- ii. No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription drugs should only be used as prescribed or directed. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on County property or while performing County business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited. Any violations of these requirements may result in disciplinary action, up to and including termination.

(j) Confidentiality.

All information received by the County as it relates to drug and/or alcohol use and testing will remain confidential and will be maintained in a separate file within the Department of Human Resources. Access to this information will be limited to those who have a legitimate need to obtain the information and as set forth in relevant law.

**Section 2.06** Workplace Violence Policy.

- (a) The County will not tolerate any violence in the workplace. Violent acts or threats of violence made by an employee against any other person or property will be cause for immediate termination and the matter may be referred to local authorities for potential criminal action. This includes any violent acts or threats of violence made on County property, on County time, or while conducting County business.
- (b) Any violent acts or threats of violence should be reported immediately. Reports may be made to a supervisor, department head, the Director of Human Resources, or any one in a supervisory position with whom the employee is comfortable reporting the information to. In an emergency, employees should call 911.

- (c) Any violent acts or threats of violence will be investigated and may result in disciplinary action, up to and including termination.

**Section 2.07** Domestic Violence Policy.

- (a) Purpose.

The purpose of the Domestic Violence Policy is to set forth a uniform domestic violence policy for the County in accordance with N.J.S.A. 11A:2-6a, to encourage employees who are victims of domestic violence and those impacted by domestic violence to seek assistance from the Department of Human Resources, and to provide a standard for the Human Resources Officer to follow when responding to employees.

- (b) Definitions.

The following definitions are applicable to the Domestic Violence Policy:

- i. “Domestic Violence” shall mean acts or threatened acts that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to, the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.
- ii. “Abuser” or “Perpetrator” shall mean an individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals.
- iii. “Human Resources Officer” or “HRO” shall mean the Director of Human Resources, or his/her designee in the Department of Human Resources, who is responsible for orienting, training, counseling, and appraising staff, and is designated by the County as the primary or secondary contact to assist employees in reporting domestic violence incidents.
- iv. “Intimate Partner” shall mean partners of any sexual orientation or preference who have been legally married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together as well as persons who are dating or have dated in the past.
- v. “Temporary Restraining Order” or “TRO” shall mean a civil court order issued by a judge to protect the life, health, or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs can also prohibit offenders from a victim’s

home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately ten (10) business days or until a court holds a hearing to determine whether a Final Restraining Order is needed. In New Jersey, there is no expiration of a Final Restraining Order.

- vi. "Final Restraining Order" or "FRO" shall mean a more detailed and often permanent replacement of TROs.
- vii. "Victim" shall mean a person who is eighteen (18) years of age or older or an emancipated minor who has been subject to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and or a person with whom the victim has had a dating relationship.
- viii. "Workplace Related Incidents" shall mean incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property that imperil the safety, well-being, or productivity of any person associated with a public employee in the State, regardless of whether the act occurred in or outside the employee's physical workplace. An employee is in the workplace while in or using the resources of the County. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work related travel.

(c) Persons Covered by this Policy.

All County employees are covered by the Domestic Violence Policy.

(d) Designation of Human Resources Officer.

- i. The Director of Human Resources is designated by the County as the Human Resources Officer to assist employees who are the victims of domestic violence. The HRO is required to receive training on responding to and assisting employees who are domestic violence victims in accordance with the Domestic Violence Policy.
- ii. If the Director of Human Resources is unavailable, he/she shall designate an employee in the Department of Human Resources to serve as the HRO who must also be appropriately trained to respond and assist domestic violence victims pursuant to the Domestic Violence Policy.
- iii. Employees serving in a managerial or supervisory role for the County are required to refer any employee who is experiencing domestic violence or who reported witnessing domestic violence to the HRO. Employees making such referrals must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.



- iv. The Domestic Violence Policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

(e) Domestic Violence Reporting Procedures.

Employees who are the victims of domestic violence are encouraged to seek immediate assistance from the HRO. Employees who have information about or witnessed an act of domestic violence against an employee are encouraged to report that information to the HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedure, internal affairs policies, or New Jersey Attorney General directives or guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the HRO. Nothing in the Domestic Violence Policy shall preclude an employee from contacting 911 in emergency situations, and employees should contact 911 if they are in immediate danger.

(f) Duties of the Human Resources Officer.

When an employee reports an incident of domestic violence, the HRO shall:

- i. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- ii. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- iii. Provide the employee with resource information and a confidential telephone line to make the appropriate calls for services for emergent intervention and supportive services, when appropriate. The HRO or employee can contact the Employee Assistance Program to assist with securing resources and confidential services.
- iv. Refer the employee to the provisions and protections of the NJ SAFE Act.
- v. In cases where the domestic violence involved a sexual touching or sexual assault between County employees, the HRO is required to report the incident to the County's Equal Employment Officer or Title IX Officer, as appropriate.
- vi. If there is a report of sexual assault or abuse, the victim should be offered the services of the Passaic County Prosecutor's Office Sexual Assault Response Team.
- vii. Maintain the confidentiality of the employee and all parties involved, to the extent practicable and appropriate, pursuant to the Domestic Violence Policy.
- viii. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace

and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at County locations while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.

(g) Confidentiality Policy.

- i. In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and as permitted by the law. The Domestic Violence Policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.
- ii. The Confidentiality Policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be released to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employees and others, and to comply with the law.
- iii. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure.
- iv. The Confidentiality Policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

(h) Confidentiality of Employee Records.

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

(i) The New Jersey Security and Financial Empowerment Act.

The NJ SAFE Act is a law that provides employment protection for victims of domestic or sexual violence. Please see Section 4.18 for the requirements and leave benefits available to employees under the NJ SAFE Act.

(j) Domestic Violence Action Plan.

The County's Domestic Violence Action Plan shall identify, respond to, and correct employee performance issues caused by domestic violence, in accordance with the following guidelines:

- i. Designating the Director of Human Resources as the County's Human Resources Officer to administer the Domestic Violence Policy.
- ii. Provide reasonable accommodations for employees who are the victims of domestic violence if they are experiencing temporary difficulty fulfilling job responsibilities.
- iii. Provide reasonable accommodations to ensure an employee's safety, which may include, but are not limited to the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or workstation location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure; or other accommodation approved by the County.
- iv. Advise the employee of information concerning the NJ SAFE Act, Family and Medical Leave Act, Family Leave Act, Temporary Disability Insurance, ADA, or other reasonable flexible leave options when an employee or his/her child, parent, spouse, domestic partner, civil union partner, or other relationships defined in applicable statutes is a victim of domestic violence.
- v. Implementation of the provisions of the SAFE Act, including that the County shall not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in the Domestic Violence Policy, if the victim provides notice to the HRO of the status or if the HRO has reason to believe an employee is a victim of domestic violence.
- vi. Advise any employee, who believes he/she has been subjected to adverse action because of making a report pursuant to the Domestic Violence Policy, of the civil right of action under the NJ SAFE Act.
- vii. Provide the Domestic Violence Policy to all employees upon being hired and place any future information and resources about domestic violence in visible areas in the County.

(k) Resources.

There are resources available to employees and program information to assist employees who may be the victims of domestic violence on the County website.

**Section 2.08** Prohibited Behaviors in the Workplace.

(a) Discrimination and Harassment.

- i. The County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. All employees as well as members of the public served

by employees of the County have the right to be in a professional atmosphere that promotes equal opportunities and prohibits discriminatory and/or harassing practices based on a person's race, color, religion, national origin, sex, age, disability, veteran status, sexual orientation, hairstyle, or any other classification protected by federal, State, or local law.

- ii. Unlawful discrimination and harassment undermine the integrity of the employment relationship. Such conduct, in any form, is a violation of both State and federal law. Such activity and/or conduct debilitates morale, is offensive, interferes with work productivity, and may lead to or create a hostile and intimidating work environment.
- iii. Employees are hereby advised that a single inappropriate remark or act can give rise to a charge of discrimination or harassment, even if the intent behind such a remark or act was entirely innocent. Consequently, all employees should be mindful of their comments and actions.
- iv. The prohibition against unlawful discrimination and harassment applies to all employees as well as all elected and appointed officials, customers, vendors, and guests. It is the primary responsibility of supervisory personnel to ensure that the work environment is free from unlawful discrimination and harassment for all employees as well as the public we serve.

(b) Types of Claims.

i. Quid Pro Quo.

This type of harassment occurs when a supervisor or someone with authority over the employee makes a sexual or other demand based upon the employee's protected category and there is an express or implied threat that the employee will be adversely impacted if the employee does not submit to the demand.

ii. Hostile Work Environment.

This type of harassment occurs when the conduct of a supervisor, co-worker, or someone else the employee encounters unreasonably interfere with an employee's work performance, thus creating an intimidating, hostile or offensive working environment based on sex, race, age, or other protected category. The offending conduct does not need to be directed at the individual who is offended, or any individual at all.

iii. Sexual Harassment.

Under the two (2) types of harassment set forth above, sexual harassment may take different forms, including but not limited to:

- Verbal Sexual Harassment. Sexual innuendoes, unwelcome derogatory comments, suggestive slurs of a sexual nature about an individual's body, appearance, or dress, questions about another's sexual activity, sexually suggestive "jokes", threats, and unwelcome persistent requests for dates or sex.

- Non-Verbal Sexual Harassment. Leering, ogling, whistling, suggestive or insulting sounds, sexual gestures, visible or accessible sexually explicit or sexually derogatory objects, pictures, posters, cartoons, magazines, videos, etc., none of which should be on County premises or work site at which the employee is representing the County.
- Physical Sexual Harassment. Assault, rape, impeding or blocking movement, or any other unwelcome physical contact of a sexual nature such as pinching, holding, hugging, massaging, pushing, brushing, or rubbing against another individual's body.

(c) Consensual and/or Private Conversations.

- i. It is understood that individuals choose to engage in private conversation, which may include sexually explicit language or content. No employer can police all inter-personal relationships to the point that these conversations can be eliminated. However, that it was a consensual and/or private conversation will not mitigate any discipline that may result should another person overhear the conversation and find it offensive.
- ii. County employees are hereby placed on notice that they must be mindful of all conversations in the workplace and should not include sexually crude terms or the use of derogatory terms based on sexual orientation or gender in any conversations in the workplace.

(d) Other Prohibited Forms of Discrimination and Harassment.

- i. The County explicitly prohibits unlawful harassment and discrimination that may stem from any discriminatory conduct directed against another person because of their race, nationality, religion, age, disability, sex, sexual orientation, or any other Protected Category.
- ii. This policy applies to all aspects of a person's employment, including, but not limited to opening positions, posting positions, advertising positions, interviewing, testing, filling positions, hiring decisions, opportunities for job training, advancement and promotions, transfers, job benefits, discipline, and removal.
- iii. The County explicitly prohibits any type of unlawful disparate treatment of an employee, prospective employee, or member of the public because of their race, religion, nationality, age, disability, sex or sexual orientation, or any other Protected Category.

(e) Complaint Procedure.

- i. If an employee believes he or she has been subject to unlawful harassment or discrimination, he or she should immediately report the behavior to his or her immediate supervisor, department head, the Director of Human Resources, or any other manager with whom the employee feels comfortable, up to and including the County Administrator.

- ii. An employee who witnesses any incident of unlawful harassment or discrimination must report the incident observed, even if he/she was not the target or the victim.
- iii. An employee should report incidents of unlawful harassment or discrimination in writing using the Employee Discrimination/Harassment Complaint Form, available on the County website. While an employee is urged to place the complaint in writing, he or she may also make a verbal report of the incident(s).
- iv. Any supervisor who is made aware of an incident(s) of unlawful harassment or discrimination is obligated to document the incident in writing, regardless of whether the employee made a verbal complaint, and should notify the Director of Human Resources or, if more comfortable, the County Administrator or County Counsel.
- v. If an employee has a question about what constitutes unlawful harassment or discrimination, the employee may request guidance from the Director of Human Resources.
- vi. All complaints of harassment or discrimination will be promptly and thoroughly investigated. To the extent practicable, the County will attempt to maintain the confidentiality of the investigation and those involved. Any individual participating in an investigation is expected to give a complete and truthful account to the investigator, shall not discuss the investigation, and shall follow the instructions of the investigator.
- vii. If it is determined that inappropriate conduct has occurred, the County will act properly to eliminate the offending conduct, which may include disciplinary action as appropriate under the circumstances. Such action may range from counseling to termination of employment and may include such other forms of disciplinary action as the County deems appropriate to prevent future acts of unlawful harassment and discrimination.
- viii. Employees who knowingly make false or frivolous accusations may be subject to discipline, up to and including termination.

(f) Responsibility of Employee's to Read and Understand the Discrimination and Harassment Policy.

- i. Employees have a responsibility to read and be sure they understand the discrimination and harassment policy, in addition to all other policies contained in the Personnel Manual. Employees must understand that they are responsible for respecting the rights of co-workers and members of the public and are required to comply with this policy. Likewise, failure to adhere to this policy may result in disciplinary action, up to and including termination.
- ii. Additionally, an unreasonable failure to utilize the complaint procedure can adversely affect an individual's rights and the County's ability to address the issues. The prevention of harassment and discrimination is a shared responsibility between the County and its employees. As such, employees have an obligation to make a complaint about facts known at the earliest possible time and to cooperate fully with any investigation.

- iii. An employee is required, upon being hired or following an amendment to the Personnel Manual, to execute the Acknowledgment of Receipt of the Discrimination and Harassment Policy available on the County website.

(g) Protection from Retaliation.

- i. Retaliation is any job-related adverse action against an individual because of the filing of a good-faith complaint or participation in an investigation. Any form of retaliation is expressly prohibited and constitutes a violation of this policy.
- ii. Threats and other forms of intimidation and/or retaliation may be cause for disciplinary action, up to and including termination. Any complaint of retaliation should be reported to the employee's immediate supervisor, department head, the Director of Human Resources, or any other manager with whom the employee feels comfortable, up to and including the County Administrator.

**Section 2.09** Conscientious Employee Protection Act.

(a) Definitions.

The following definitions are applicable to the CEPA Policy:

- i. "Employee" means any individual who performs services for and under the control and direction of an employer for wages or other remuneration.
- ii. "Supervisor" means any individual with the County who has the authority to direct and control the work performance of the affected employee; who has authority to take corrective action regarding a violation of the law, rule, or regulation of which the employee complains; or who has been designated by the County on the notice required under N.J.S.A. 34:19-7.
- iii. "Retaliatory Action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(b) Retaliatory Action Prohibited.

The County shall not take any retaliatory action against an employee because the employee does any of the following:

- i. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the County, or another employer, with whom there is a business relationship, that the employee reasonably believes: (1) is in violation of a law, or a rule or regulation promulgated pursuant to law; (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.

- ii. 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 promulgated pursuant to law by the County, or another employer, with whom there is a business relationship, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, 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 the quality of patient care.
- iii. 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 promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity, or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care; (2) is fraudulent or criminal, including any activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity; or (3) is incompatible with a clear mandate of public policy concerning the public health, safety, welfare or protection of the environment.

(c) Written Notice Required.

- i. The protection against retaliatory action provided by CEPA pertaining to disclosure to a public body shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy, or practice in violation of a law, or a rule or regulation promulgated pursuant to law to the attention of a supervisor of the employee by written notice and has afforded the County a reasonable opportunity to correct the activity, policy, or practice.
- ii. Disclosure shall not be required where the employee is reasonably certain that the activity, policy, or practice is known to one or more supervisors of the County or where the employee reasonably fears physical harm because of the disclosure provided, however, that the situation is emergent in nature.

(d) Posting of Notices.

The County shall conspicuously display, and annually distribute to all employees, written or electronic notices of its employees' protections, obligations, rights, and procedures under CEPA, and use other appropriate means to keep employees so informed. Each notice posted or distributed pursuant to this section shall be in English, Spanish and at, the County's discretion, in any other language spoken by the majority of the County's employees. The notice shall include the name of the person or persons the employer has designated to receive written notifications pursuant to CEPA.



**Section 2.10** Employee Discipline Policy.

(a) Purpose.

- i. It is expected that every employee of the County act in a professional manner, meets performance standards, and adheres to the County policies contained in the Personnel Manual. Such behavior enhances the quality of the work environment. Therefore, disciplinary measures must be applied when County policies are violated, regardless of whether the violation was careless or intentional.
- ii. The purpose of disciplinary action is to correct the problem, prevent reoccurrence, and prepare the employee for satisfactory service in the future. The County expects employees to fully cooperate in meeting their responsibilities as employees so that the County can continue to maintain a positive, constructive atmosphere for both the employees and the public.

(b) Conduct Subject to Disciplinary Action.

In addition to a violation of any of the County policies outlined in the Personnel Manual, an employee can be disciplined for the following reasons:

- i. Incompetency, inefficiency, or failure to perform duties.
- ii. Insubordination.
- iii. Inability to perform duties.
- iv. Chronic or excessive absenteeism or lateness.
- v. Conviction of a crime.
- vi. Conduct unbecoming an employee.
- vii. Neglect of duty.
- viii. Misuse of County property, including motor vehicles.
- ix. Discrimination that effects equal employment opportunity, as defined under N.J.A.C. 4A:7-1.1, including sexual harassment.
- x. Violation of federal regulations concerning drug and alcohol use and testing of employees who perform functions related to the operation of commercial motor vehicles as well as violation of State and local policies issued thereunder.
- xi. Violation of the New Jersey residency requirement as set forth in N.J.S.A. 52:14-7 (P.L. 2011, c. 70).
- xii. Other sufficient cause.

(c) Disciplinary Procedures.

i. Corrective Action.

In cases of employee misconduct, the County believes in corrective action for the purpose of rectifying undesirable behavior and preventing reoccurrence of such behavior. Employees who receive discipline that is based on a behavioral issue may be required to meet with a representative(s) from the EAP. The EAP may have the discretion to recommend a course of corrective training or counseling which may, at the County's discretion, be considered a mitigating factor in the determination of any formal discipline the employee may receive.

ii. Progressive Discipline.

Absent exigent circumstances or other good cause, the County shall implement progressive discipline for employees as follows:

- Verbal, Written and Final Warnings. This may include a written notice documenting the warning.
- Minor Discipline. This includes a formal written reprimand, suspension, or fine of five (5) working days or less.
- Major Discipline. This includes removal, disciplinary demotion, suspension, or fine of more than five (5) working days at any one time.

**Section 2.11** Personnel File.

The Director of Human Resources shall maintain the official personnel file for each employee. Personnel files are treated as confidential records that must be secured in the Department of Human Resources and will only be available to authorized managerial and supervisory personnel as needed. Records related to any medical condition will be maintained in a separate file, which will also be treated as confidential. Any employee who wishes to review his or her personnel file may do so in the presence of a Department of Human Resources employee as requested<sup>1</sup>.

**Section 2.12** Political Activity.

(a) General.

- i. Employees are afforded the same right as any other citizen to join political organizations and participate in political activities if they maintain a clear separation between their official responsibilities and political affiliations.
- ii. Employees are prohibited from engaging in political activities while performing their public duties and from using County time, supplies, or equipment in any political activity.

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<sup>1</sup> Please note, employees that work for a Gubernatorial Appointee and/or Elected Official may need to issue a request to review his/her personnel file from same.

- iii. No County employee shall make, either directly or indirectly or through any political organization, any threats or intimidations to any County employee relating to his/her employment with the County for the purpose of receiving political contributions.
- iv. The County strictly prohibits the receipt of political contributions in any building or room occupied for the discharge of official County business.
- v. No employee may directly or indirectly use his or her position to control or affect the political action of another person or engage in political activity during working hours.
- vi. Any violation of this policy must be reported to the Department of Human Resources.

(b) Hatch Act.

Pursuant to the Hatch Act, no employee whose principal employment is in connection with a program financed in whole or in part by federal funds or loans may engage in any of the following prohibited activities:

- i. Be a candidate for public office in a partisan election.
- ii. Use official authority or influence that interferes with or affects the results of an election or a nomination for office.
- iii. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

**Section 2.13** Resignation Policy.

- (a) An employee who intends to resign or retire must notify the Director of Human Resources as soon as possible, but no later than two (2) weeks prior to the proposed separation.
- (b) Department and division heads are required to submit a resignation letter to the County Administrator setting forth their proposed last day of work.
- (c) After giving notice of resignation, an employee is expected to assist their supervisor and co-workers by providing information concerning their current projects and help in the training of a replacement.
- (d) During the last two (2) weeks of employment, the employee may not use accrued leave time, except for verified medical reasons.
- (e) Upon separation, the department head shall prepare a personnel action form showing any pay or other monies owed to the employee. The Director of Human Resources or his/her designee will conduct an exit interview, which shall include, but is not limited to the return by the employee of his/her County identification card and all County-owned property and equipment.
- (f) The County's Third Party Administrator will send a COBRA notification letter to the employee's home address.

**Section 2.14** Parking Policy.

The County is not obligated to provide any employee with parking. If an employee is assigned a parking space, said employee must park in the provided space. County parking spaces should not be used by members of the public, an employee shall not offer County parking spaces to anyone, except in furtherance of County business.

**Section 2.15** Dress Code Policy.

Employees are required to dress in an appropriate and professional manner as required by the position in which the individual is employed. As applicable, employees shall be required to wear uniforms in compliance with departmental mandates. Employees shall not wear the following in the workplace: jeans, athletic clothing, shorts, tank tops, sneakers, flip flops, t-shirts, novelty buttons, or any other items that are not business-like apparel. Employees wearing such prohibitive clothing may be sent home without pay and/or subject to disciplinary action.

**Section 2.16** County Identification Policy.

Employees are required to wear and display their County issued identification badges during work hours.

**Section 2.17** No-Smoking Policy.

Smoking is prohibited in all County facilities pursuant to N.J.S.A. 26:3D-58.

**Section 2.18** Bulletin Board Policy.

Bulletin boards located in and on County property are for official County notices only. No employee is authorized to post, remove, or alter any such notices.

**Section 2.19** Use of County Property.

An employee shall not use County materials, property, or facilities for any personal purpose.

**Section 2.20** Workforce Reduction Policy.

If required by economy, efficiency, or other related reasons, the County shall institute layoff actions in compliance with N.J.A.C. 4A:8-1.1, et seq.

**Article III.** Employee Classification and Workplace Policies

**Section 3.01** Employee Classification.

- (a) "Full Time Employees" are individuals whose standard work week is thirty-five (35) hours or more.
- (b) "Part Time Employees" are individuals whose standard work week is between twenty-four (24) and thirty-two (32) hours.
- (c) "Temporary Employees" are individuals who are seasonal employees hired for a period of less than six (6) months in duration, and are not eligible for County benefits, except as required by law.

- (d) “Per Diem Employees” are individuals who work on an as-needed basis to supplement an employee, or to replace or substitute for a temporarily absent employee, who only works when an employee indicates to a supervisor that he/she is unable to work, and who has no obligation to work when the employee does not indicate availability. Per Diem Employees are not eligible for County benefits, except as required by law.
- (e) “Non-Exempt Employees” are individuals entitled to overtime for each hour worked in excess of forty (40) hours per week, except those exemptions set forth in N.J.S.A. 34:11-56a4, or as provided in N.J.A.C. 12:56-7.1; the County shall pay its employees’ wages at a rate of not less than one and one half (1 ½) times such employees’ regular hourly wage for each hour worked in excess of forty (40) hours per week.
- (f) “Exempt Employees” are individuals employed in a bona fide executive, administrative, or professional capacity as defined pursuant to N.J.A.C. 12:56-7.1, who are exempt from the overtime requirements of N.J.A.C. 12:56-6.1 and are not entitled to overtime computation and/or compensatory time for same.

**Section 3.02**    Working Test Period.

All new employees and all employees who are transferred, promoted, or demoted to a new job, or receive a Civil Service Commission certification to a new position will be monitored and evaluated for a working test period of ninety (90) days.

Except when governed by a collective negotiations agreement or other applicable regulation or law, employment with the County is at-will and may be terminated at any time, with or without cause or notice, by the County or employee.

**Section 3.03**    Attendance Policy.

- (a) Work Hours.

The normal work hours for County employees are 8:30 AM to 4:30 PM, with a one (1) hour lunch break. The one (1) hour lunch break is scheduled at the discretion of the department director to ensure operational efficiency. In some instances, department directors can establish alternative work hours that must be approved by the County Administrator.

- (b) Timekeeping for Employees.

All employees are required to record his/her time in the County’s attendance system at least four (4) times daily as follows: (1) when an employee reports to work; (2) when an employee leaves for lunch; (3) when an employee returns from lunch; and (4) when an employee leaves work for the day. When recording his/her time in the County’s attendance system, the following procedures must be followed to ensure an accurate record of attendance by the employee:

- i. An employee must only utilize the attendance system to which he/she is assigned;
- ii. If an employee is unable to record his/her time, his/her supervisor must be immediately notified; and

- iii. Employees are not permitted to utilize the attendance system for another employee.

Breaks from work longer than 20 minutes are non-compensable for non-exempt employees. Non-exempt employees who anticipate a break of a length greater than 20 minutes should punch-out when they begin breaks of this anticipated length, and punch back in again upon return to work.

(c) Reporting an Absence, Late Arrival, or Early Departure.

- i. Employees are expected to maintain regular and on-time attendance. When an employee cannot avoid being late to work, is unable to work as scheduled, or needs to depart early, the employee must provide at least one (1) hour of notice prior to his/her scheduled start time.
- ii. If an employee fails to report an absence for three (3) consecutive workdays, the employee's absence may be considered a voluntary resignation. The County, at its discretion, may require medical documentation for consecutive absences by an employee.

(d) Discipline for Absenteeism, Tardiness, or Early Departure.

An employee may be disciplined for the following reasons:

- i. Failure to report an absence before an employee's scheduled start time.
- ii. Utilizing sick time immediately preceding or following a paid holiday or scheduled vacation, absent medical documentation.
- iii. Patterned absenteeism.
- iv. Tardiness.
- v. Early departure without authorization from a supervisor.

Chronic, habitual, or excessive absenteeism, tardiness, or early departures may result in disciplinary action up to and including termination of the employee. However, this does not include absences under FMLA or NJFLA, military leave or worker's compensation leaves, or any other leave that is authorized by the County.

**Section 3.04** Overtime.

(a) Authorization of Overtime.

Employees are not permitted to work overtime unless approved by the department head. Employees working overtime without prior authorization are subject to disciplinary action, up to and including termination.

(b) Compensation for Overtime.

- i. Employees shall be compensated at his/her regular hourly rate for every hour worked between thirty-five (35) or forty (40) hours in a work week.

- ii. Employees shall receive additional compensation at the rate of one and a half (1 ½) hours for each hour worked after forty (40) hours in a work week, based upon his/her regular hourly rate.
- iii. If an employee works on Sunday, or a paid holiday for which the employee is not regularly scheduled to work, the employee shall receive compensation at a rate of two (2) hours for each hour worked.
- iv. Exempt employees are not entitled to overtime.

**Section 3.05** Payroll Policy.

Employees shall be compensated on a bi-monthly basis. Rates of pay for non-union employees shall be determined by the Board. If an employee feels that a paycheck was issued incorrectly, said employee must contact the Payroll Division immediately. All pay shall be remitted via direct deposit into the employee's designated bank account. Except for payroll deductions required by federal, state, or local law, or health insurance, no deductions shall be made without authorization from an employee.

**Section 3.06** Breastfeeding Policy.

Pursuant to N.J.S.A. 10:5-12(s), the County shall adhere to the following for accommodations for employee's breastfeeding:

- (a) Shall not treat, for employment-related purposes, an employee that the County knows, or should know, is pregnant or breastfeeding in a manner less favorable than the treatment of other persons not affected by pregnancy or breastfeeding but similar in their ability or inability to work.
- (b) The County shall, to an employee who is pregnant, make available to the employee reasonable accommodation in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of their physician, requests the accommodation, and, in the case of an employee breast feeding their infant child.
- (c) The accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, near the work area for the employee to express breast milk for the child, unless the County can demonstrate that providing the accommodation would be an undue hardship on the business operations of the County.
- (d) The County shall not in any way penalize the employee in terms, conditions, or privileges of employment for requesting or using the accommodation. Workplace accommodation provided pursuant to this subsection and paid, or unpaid leave provided to an employee who is pregnant or breastfeeding shall not be provided in a manner less favorable than accommodations or leave provided to other employees who is not pregnant or breastfeeding but similar in their ability or inability to work.

**Section 3.07** County Vehicle Policy.

(a) Introduction.

The County owns and maintains a fleet of vehicles that are used in furtherance of general operations. The County Vehicle Policy governs use of all County vehicles and supersedes all other vehicles policies adopted by the Board previously in effect.

(b) Driving Privileges and Licensure.

- i. The use of a County vehicle by an employee is subject to the approval and discretion of the County Administrator, Elected Official, or Gubernatorial Appointee.
- ii. Any employee operating a County vehicle must have, in his or her possession, a valid driver's license.
- iii. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency, including any province of the Dominion of Canada, must be expressly approved by the Insurance Commission before any employee is permitted to operate a County vehicle.
- iv. Employees are required to file a copy of a valid driver's license with the County Insurance Division prior to the use of a County vehicle, and any renewal of the license during the employee's term of employment with the County. Upon request, an employee must provide a copy of his or her driver's license or other required documentation to operate a vehicle in the State of New Jersey within twenty-four (24) hours.
- v. Employees are required to inform the Insurance Division in writing within twenty-four (24) hours of any changes in the status or his or her driving privileges.
- vi. The County reserves the right to obtain a driving abstract from the New Jersey Motor Vehicle Commission or other regulatory or law enforcement agencies, as necessary.
- vii. The County reserves the right to suspend an employee's driving privileges if the County deems it necessary based on an employee's driving record.
- viii. The County shall utilize information obtained pursuant to the County Vehicle Policy only for the purposes as outlined herein, and for no other reason, and will not reveal personal or other information contained therein except when compelled to by law.
- ix. Employees, when ordered, are required to attend driver safety courses, or other similar road tests.
- x. In the event an employee is under the influence of any medication, either prescribed or otherwise, that might impair one's ability to operate a vehicle, an employee must refrain from driving a County vehicle and notify the Director of Human Resources.



(c) Official Use Only.

The use of County vehicles is limited to official County business. Employees are not permitted to use a County vehicle for travel or activity outside of the scope of his or her employment with the County. Likewise, supervisors are restricted from authorizing the use of County vehicles for anything outside the scope of an employee's job duties with the County. No employee shall authorize a non-employee to operate a County vehicle, or to ride as a passenger in a County vehicle, unless said passengers are assisting in the official business of the County.

(d) Location of County Vehicle.

Employees who are assigned the regular use of a County vehicle for official business may, with permission of his or her department, or the County Administrator as applicable, take the vehicle home during non-work hours. The Insurance Commission must be notified, in writing, when such permission is granted to an employee. An employee must surrender a vehicle when requested by a supervisor, department head, or County Administrator, as applicable.

(e) Commuting with County Vehicle.

The use of a County vehicle for purposes of commuting to and from work is voluntary and does not entitle an employee to compensation. Moreover, an employee is not considered as in compliance with the Attendance Policy while commuting.

(f) Accidents and Incidents with County Vehicle.

Employees must immediately contact his or her supervisor when involved in an accident and/or incident while operating a County vehicle. The supervisor is then required to notify the Insurance Division as soon as practicable of the accident and/or incident, and provide all applicable documentation, including but not limited to the police report for the accident and/or incident. An employee may be required to submit to an alcohol or drug screening test following an accident and/or incident.

(g) Citations and Violations with County Vehicle.

Employees must follow all the provisions as set forth in N.J.S.A. 39:1-1, et seq., and any other applicable rules and regulations for motor vehicles generally and traffic laws in the State of New Jersey. Employees are responsible to pay the fines for any moving violations issued pursuant to N.J.S.A. 39:1-1, et seq. Likewise, an employee is responsible for all delinquent toll payment violations. Employees must notify the Insurance Division of any moving violations or delinquent toll payment violations within forty-eight (48) hours of receipt of same.

(h) Use of County Pool Vehicles.

The use of a County pool vehicle is subject to approval by the County Administrator, or applicable department head.

(i) GPS Tracking System of County Vehicle.

The County, at its sole discretion, can install global positioning software on County vehicles to track and monitor the employee's use of said vehicles. Employees are prohibited from intentionally disabling or manipulating the function, operation, or location service of the global positioning software on the County vehicles and using the County vehicles for non-County business.

(j) General Policies and Procedures when operating a County Vehicle.

Employees are required to adhere to the following policies and procedures when operating a County vehicle:

- i. Ensure that all required documentation, including but not limited to the employee's driver's license, the vehicle's registration, and insurance card, are in the vehicle during operation of same.
- ii. Employees assigned the exclusive use of a County vehicle are responsible for scheduling all repairs, manufacturer recommended maintenance, and routine maintenance.
- iii. Employees are responsible to keep County vehicles in a clean and orderly manner.
- iv. Smoking is strictly prohibited in County vehicles.
- v. The use of a wireless telephone or electronic communication device in violation of N.J.S.A. 39:4-97.3.
- vi. Employees are required to always wear seat belts.
- vii. Employees are required to always operate vehicles in a safe and courteous manner and avoid tailgating and other unsafe driving practices.

(k) Discipline for Violation of County Vehicle Policy.

Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the County to the employee in any civil or criminal matter brought in any court arising from improper use of a County vehicle. The County also expressly reserves its right to seek indemnification and/or contribution from employees, including his or her personal automobile insurance policies, found to have acted in violation of this policy to the maximum extent permitted by law.

**Section 3.08** Inclement Weather Policy.

(a) County Closure.

The County is only closed when the Governor of the State of New Jersey via Executive Order bans travel on public roadways. Notice of closure shall be issued by the County Administrator and posted on the County website and social media channels. If an employee elects not to report to work, the employee has the option of using a vacation day, personal day, or compensatory time. Employees are only authorized to use a sick day if medical documentation is provided.

(b) Essential Employees.

Essential employees are required to report to work, regardless of any closure of the County, during emergency situations, including but not limited to extreme weather, as determined by the County Administrator. Essential employees are those individuals whose job duties include responsibilities for the health and safety of the public, the protection of County property, or the property of the public. All employees in the following County departments are deemed essential: (1) Buildings and Grounds Department; (2) Office of Emergency Management; (3) Parks and Recreation Department; (4) Health Department; (5) Road Division; (6) Preakness Healthcare Center; (7) Sheriff's Office; (8) Mosquito Division. The County Administrator, at his/her discretion, can deem an employee essential for the purposes as set forth herein. Violation of this policy may result in disciplinary action up to and including termination of the employee.

(c) Acknowledgement of Essential Employee Status.

All essential employees are required to acknowledge same by executing the Essential Employee Acknowledgement Form available on the County website.

**Section 3.09** Indemnification Policy.

(a) Covered Employees.

The County recognizes the value and importance of having its employees diligently and faithfully execute their respective duties for the benefit of the County and its residents. Therefore, to further the objectives of County, and in accordance with applicable law, it is the policy of the County to indemnify and defend its officers and employees against legal action brought against them in connection with their official duties and responsibilities to the maximum extent provided by law, pursuant to the procedures as set forth in the Indemnification Policy.

(b) Mandatory Indemnification.

i. Obligation to Indemnify.

The County recognizes that it may be required by law to indemnify and defend certain employees against criminal and civil actions brought against them in the course of their duties. In cases in which the County is required by law to provide such indemnification and defense, the following principles shall apply.

ii. Procedures.

Any employee seeking indemnification and/or legal defense from the County under the terms of any constitutional provision, statute, regulation, or other applicable law requiring same shall promptly make a written request for legal representation to the County Counsel. The written request shall include the following information: (1) the nature of the matter for which indemnification is sought; (2) a concise summary of the facts concerning the matter; and (3) copies of any pleadings, complaints, subpoenas, or other legal documents or process issued to the employee requesting indemnification.

iii. Investigation by County Counsel.

Upon receiving a written request for indemnification in accordance with the Indemnification Policy, the County Council shall investigate the facts surrounding the request for indemnification. Said investigation shall include, but shall not be strictly limited to, a request for a certification from the supervisor or department head for the employee that contains a statement that the matter for which indemnification and/or a defense is sought arose from the employee's official duties. Upon receipt and review of such a certification, together with such other information as the County Council may in his/her discretion require, the County Council shall promptly inform the employee of the disposition of the request for indemnification. At that time, the County Council shall determine whether to (1) grant the request for indemnification and/or a defense in its entirety; (2) deny the request for indemnification and/or a defense in its entirety; or (3) grant or deny the request for indemnification and/or a defense in part and reserve the County's rights as to the balance of the request, to the extent appropriate. In circumstances where County Council has granted a defense and request for indemnification, same may be revoked if the employee refuses or otherwise conducts him or herself in a manner uncooperative in his or her own defense.

iv. Choice of Counsel – Civil Matters.

In civil cases in which an employee is named as a defendant in actions for damages related to personal injury, property damage, or other civil actions, the County Council shall, upon determining that the case arises within the scope of employee's employment, refer the matter to counsel selected by the Board. However, nothing in the Indemnification Policy shall be construed as limiting the discretion of the County Council to assign any case to attorney(s) employed by the County in the Office of the County Council when the County Council deems it appropriate. Regardless, of counsel selected, the County shall have the sole discretion to settle, compromise or otherwise dispose of any claim for which it grants indemnity and/or a defense under the Indemnification Policy.

v. Conflict of Interest.

In civil cases in which both the County and the employee are named defendants, and in which it is determined that the matter arose within the scope of the official duties of the employee in the manner provided herein, and the County Council or the attorney assigned to defend the matter reasonably believes, pursuant to the Rules of Professional Conduct as adopted by the court in which the matter is pending, that an actual or potential conflict of interest exists which warrants that the County and the employee be represented by separate counsel, the following procedures shall apply.

In all cases to which this subsection applies, the County Council shall: (1) advise the employee that a conflict or potential conflict exists; and (2) advise the employee that the County will provide a defense by approved counsel selected by the County in accordance with the County's procedures for assigning outside counsel. In all such cases, the County shall retain the sole discretion to settle, compromise or otherwise dispose of any claim for which it grants indemnity and/or a defense under the Indemnification Policy, including those in which counsel is assigned pursuant to this section.

vi. Choice of Counsel – Criminal Matters.

Employees seeking statutory indemnification and defense in criminal actions or proceedings directly arising from their official duties shall be entitled to representation by an attorney designated by the County Counsel, in accordance with the County's procedures for assigning outside counsel. Employees seeking indemnification in criminal actions shall retain the option of seeking counsel of their own choosing. However, nothing in the Indemnification Policy shall require the County to reimburse the employee for legal fees or expenses for representation retained outside of the procedures as set forth in the Indemnification Policy.

vii. Reservation of Rights.

Nothing in the Indemnification Policy shall be construed to impose any liability on the County for damages or attorney's fees incurred by an officer of employee in either of the following situations: (1) any criminal case in which the employee is found guilty or any wrongdoing; or (2) any criminal or civil case in which the employee is found to be acting outside the scope of his or her official duties for an unlawful purpose. In addition, nothing in the Indemnification Policy shall be construed to impose any direct liability on the County for punitive damages assessed against any employee.

(c) Permissive Indemnification.

i. Policy in Favor of Indemnification.

The Indemnification Policy shall be applicable only to civil and criminal cases which arise directly from an employee's official duties. The Indemnification Policy shall not apply to any situation in which an employee is subpoenaed, or otherwise requested to appear before a federal or State grand jury.

ii. Procedures.

Employees seeking permissive indemnification shall adhere to the procedures as set forth in Section 3.09.

iii. Choice of Counsel.

All provisions set forth in Section 3.09 shall apply when a request is made by an employee for permissive indemnification.

iv. Reservations of Rights.

In accordance with N.J.S.A. 59:10-4, nothing in the Indemnification Policy shall be construed to impose any liability on the County for damages or attorney's fees in the following situations: (1) in any criminal case in which the employee is found guilty of any criminal charge; (2) in any criminal or civil case in which the employee is found to have acted outside the scope of his or her official duties, or for any unlawful purpose; or (3) in any criminal or civil case in which the County Counsel determines the employee seeking indemnification and/or defense committed acts and/or omissions constituting actual fraud, actual malice, willful misconduct, or an intentional wrong.

**Section 3.10** Outside Employment Policy.

(a) Purpose.

- i. All full-time employees consider the County as his/her primary employer. Employees who are engaged in outside employment, or hold other jobs, are subject to certain restrictions, as outlined below. An employee who holds outside employment shall be required to fill out the Outside Employment Questionnaire available on the County website.
- ii. Under no circumstances shall a County employee conduct employment activity while on duty or utilize County time, supplies, equipment, or resources for outside employment activities.

(b) Conflict of Interest.

For the purposes of the Outside Employment Policy, a conflict of interest shall exist when an employee proposes to act on any issue, matter, or transaction in which the employee has an interest, and the County has an interest, and the employee's interest may compromise or appear to compromise the employee's judgment in the performance of his/her duties, create actual or apparent abusiveness, create negative publicity and/or potential loss or harm to the County, including, but not limited to, loss of public confidence in the County, monetary loss, or erosion of employee morale.

(c) Conditions for Outside Employment.

Employees are authorized to hold outside employment, subject to the following conditions:

- i. Employee's activities and conduct in the outside employment must not compete with, conflict with, or compromise the County's interests, or adversely affect job performance or the ability of an employee to fulfill all responsibilities to the County. If there is a factual question related to whether outside employment by an employee conflicts with the employee's duties, same will be referred to the Ethics Board for an Advisory Opinion.
- ii. The County Administrator or his/her designee may restrict outside employment if the quality of an employee's work diminishes or is unsatisfactorily.
- iii. Full-time employees must be available and able to perform all the duties of their position as required by the County and be able to work overtime if requested or required.
- iv. Outside employment shall not compromise an employee's position through a conflict of interest, as defined above, or used by an employee as justification for poor work performance.
- v. Any employee holding an interest in or employed by a company and/or entity doing business with the County must submit a written notice of the outside interest to the County Administrator or his/her designee and cease any involvement with such company and/or entity.

- vi. Full-time employees are prohibited from seeking or accepting a second full-time position with the County.
- vii. Employees are required to disclose outside employment to the Director of Human Resources upon the acceptance of same.

**Section 3.11** Anti-Nepotism Policy.

(a) Purpose.

It is the policy of the County that no employee is authorized to provide supervision over a relative. A relative is defined as two (2) or more persons related by blood or affinity, including, but not limited to, father or mother, spouse, person with whom the employee has an intimate relationship, stepfather or stepmother, child or stepchild, sibling or stepsibling, grandparent, grandchild, mother in-law, father in-law, brother in-law, sister in-law, son in-law, daughter in-law.

(b) Prohibited Employment Relationship.

A prohibited employment relationship is created when:

- i. One relative would have the authority to supervise, directly or indirectly, appoint, remove, discipline, evaluate, or otherwise affect or influence the work or employment of another relative; or
- ii. The relative would be responsible for auditing or evaluating the work or performance of another relative; or
- iii. Other circumstances exist that could place the relatives in a situation of actual or reasonably foreseeable conflict between the County's interest of their own.

**Section 3.12** Computer Use, Electronic Mail, and Internet Policy.

(a) Purpose.

The County's electronic mail, voicemail, computer equipment, and internet service are for official County business. All electronic records are government records under OPRA and may be subject to release if requested under the law, absent an exemption under the law.

(b) Standard of Conduct.

The use of electronic mail, voicemail, computer equipment, and internet service are essential tools for employees. An employee is required to use electronic mail, voicemail, computer equipment, and internet service, subject to the following conditions:

- i. Computer equipment and telephone and electronic communication equipment owned by the County and are to be used for business purposes only. An employee has no expectation that any information stored in a County computer is private.
- ii. Downloading or misusing software available through the internet could violate copyright laws or licensing requirements. An employee should not download software on County property without prior approval from the Department of Information Technology.

- iii. Personal use of any electronic equipment is strictly prohibited.
- iv. The County reserves the right to block or cancel an employee's access to the internet or to specific sites, at its discretion.
- v. All electronic mail, and any other communication composed on County equipment are the property of the County.
- vi. The County reserves its right to monitor its computer systems, including, but not limited to, electronic mail messages, computer files, internet usage, with or without notice, at any time, at its discretion. An employee has no expectation of privacy in any transmissions made or receiving using County computer equipment or electronic communication services.
- vii. An employee shall not share access codes or passwords, provide access to an unauthorized user, or access another employee's e-mail or internet without prior authorization.
- viii. An employee is prohibited from sending or posting on the internet, privileged and/or confidential communications, including, but not limited to, social security numbers, medical documents or other HIPPA protected information, or other information protected from unlawful disclosure, via e-mail or by way of the internet, unless the message is properly encrypted.
- ix. An employee is prohibited from using e-mail or the internet to connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination based material; attempting to disable or compromise the security of information contained on the County's computer systems; or sending or receiving obscene, violent, harassing, sexual, or discrimination based messages.

**Section 3.13** Social Media and Marketing Materials Policy.

(a) County Social Media Channels.

All social media channels are managed by the County Administrator's Office. No department or employee shall create a social media channel purporting to represent the County, without written approval by the County Administrator.

(b) Marketing Materials.

If a department or employee requires marketing materials, a request must be made to [media@passaiccountynj.org](mailto:media@passaiccountynj.org). The request should include all relevant information to create the marketing materials and should be made at least five (5) days prior to when the marketing materials are needed to be distributed to the public. Departments and employees are prohibited from creating and disseminating marketing materials without approval by the County Administrator.



(c) Media Inquiries.

All media inquiries should be referred to the County Administrator's Office, and employees must refrain from speaking on the record with a media outlet concerning the scope of his or her employment.

(d) Personal Use of Social Media.

If an employee identifies him or herself as a County employee in any manner on the internet, comment on any aspect of official County business, or links to the County website, the employee must include the following disclaimer: *"the views expressed on this post are mine, and do not reflect the views of the County of Passaic or Passaic County Board of County Commissioners, or anyone associated with the County of Passaic or Passaic County Board of County Commissioners."*

**Article IV. Leaves of Absence and Paid Time Off.**

**Section 4.01 Paid Holidays.**

(a) Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Election Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ day Christmas Eve
- Christmas Day
- ½ day New Year's Eve

(b) A paid holiday falling on a Saturday will be recognized in the preceding Friday, and a holiday falling on a Sunday will be recognized on the following Monday.

**Section 4.02 Vacation Leave.**

(a) Full-time employees shall accrue vacation leave based on the following schedule:

1 <sup>st</sup> year	1 working day for each full month of continuous service
2 – 5 years	12 working days during each year of service
6 – 10 years	15 working days during each year of service
11 – 15 years	18 working days during each year of service
16 – 20 years	20 working days during each year of service
21 years and over	22 working days during each year of service

- (b) During an employee's ninety (90) day probationary period, no vacation time is earned or available. Upon completion of the probationary period, one day will be credited for each month calculated back to the employee's date of hire.
- (c) After the first year of employment, vacation leave is credited at the beginning of the calendar year in anticipation of continued employment, based on the employee's years of continuous County service.
- (d) Part time employees shall accrue vacation leave on a prorated basis.
- (e) An employee's supervisor must approve the use of vacation time in advance. While the approval of vacation leave shall not be unreasonably withheld, the use of vacation leave shall be subject to staffing levels as solely determined by the department head or supervisor. Employees are encouraged to submit vacation leave requests as early as possible to ensure adequate staffing levels, and absent emergent circumstances, no less than three (3) days prior to the requested day off.
- (f) Employees shall be permitted to carry a maximum of one (1) year's accrued vacation time in addition to the employee's allotted time for the current year. No employee can carry more than one year's worth of accrued vacation leave in the following calendar year without written approval of the County Administrator.

**Section 4.03** Personal Days.

- (a) Upon completion of the ninety (90) day probationary period, a full-time employee is entitled to three (3) personal days per year which shall accrue on the first day of January, May, and September of each calendar year.
- (b) If a personal day is not scheduled in advance, employees are required to notify his/her department head and/or supervisor at least thirty (30) minutes prior to the scheduled start of the workday.
- (c) During an employee's first year of service, personal days shall accrue at the rate of one (1) day per four months of service.
- (d) Any unused personal days are forfeited at the end of each calendar year.
- (e) Part-time employees shall accrue personal days on a pro-rated basis.

**Section 4.04** Compensatory Time.

- (a) Department heads may choose to require compensatory time be paid in lieu of overtime pay to applicable employees in the form of overtime pay based on the employees' regular hourly rate of one and one half hours of compensatory time off for every hour worked in excess of forty (40) hours in the work week.
- (b) A civilian employee may accrue no more than two hundred and forty (240) hours and an employee working in a public safety activity may accrue four hundred and eight (480) hours.
- (c) Compensatory time must be used within ninety (90) days of receiving same.

- (d) An employee wishing to utilize compensatory time must notify his/her supervisor at least two (2) days in advance.
- (e) Exempt employees are not entitled to compensatory time.

**Section 4.05** Sick Leave.

Employees shall accrue up to fifteen (15) working days of sick leave per calendar year, pursuant to the conditions as set forth herein.

(a) Accrual of Sick Leave.

- i. An employee shall accrue one (1) working day for the initial month of employment if they begin work on the 1<sup>st</sup> through the 8<sup>th</sup> day of the calendar month, and one half (1/2) working day if they begin on the 9<sup>th</sup> through the 23<sup>rd</sup> day of the month.
- ii. After the initial month of employment and up to the end of the first calendar year, an employee shall be credited with one (1) working day for each month of service. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with fifteen (15) sick days. If an employee is separated from employment with the County after using accrued leave that was credited and not earned, he/she shall be responsible to reimburse the County for same.
- iii. Part-time employees shall accrue sick leave on a prorated basis.
- iv. An employee who exhausts all paid sick days in a calendar year shall not be credited with additional paid sick leave until the beginning of the next calendar year. Under no circumstance may an employee borrow sick leave time from a future year.
- v. Sick leave shall not accrue during a leave of absence without pay or suspension but shall continue to accrue during a voluntary furlough or furlough extension leave.

(b) Carry-Over Sick Leave.

Unused sick leave shall accrue from year-to-year without limit. The accrual shall continue until the time of the employee's retirement. Upon retirement, an employee shall be paid for one half (1/2) of the accrued sick leave in an amount not to exceed twelve thousand dollars (\$12,000.00). Elected Officials and Gubernatorial Appointees are not eligible for the payment of accrued sick leave as set forth herein. An employee is not entitled to payment for earned sick leave if he/she is separated for any other reason but retirement.

(c) Permissible Use of Sick Leave.

An employee may use sick leave for the following purposes:

- i. Personal illness of the employee or the employee's family member.
- ii. For medical care for a personal illness or injury of the employee, or the employee's family member.

- iii. Exposure to a contagious disease.
- iv. To provide care, for a reasonable period, of an ill member of the employee's immediate family, which is defined as the employee's spouse, domestic partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father in-law, mother in-law, and other relative residing in the employee's household.
- v. Death of a family member if the leave exceeds three (3) consecutive days and the employee exhausts his/her Bereavement Leave.
- vi. By an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the County.
- vii. Any other purpose as permitted or required by law.

(d) Reporting Sick Leave.

- i. An employee utilizing sick leave is required to notify his/her supervisor and/or department head thirty (30) minutes prior to the scheduled start of the workday.
- ii. Upon request, an employee shall be required to produce verification to substantiate the need for and the appropriate use of sick time.

**Section 4.06** Earned Sick Leave Law Policy.

Under the Earned Sick Leave Law, specified employees that are not members of a collective bargaining unit, are not a party to a duly authorized employment agreement, per diem health care employees defined by N.J.S.A. 34:11D-1.1, or an employee who is provided sick leave with full pay pursuant to any other law, rule, or regulation of the State are entitled to earned sick leave, as set forth herein.

(a) Benefit Year.

The benefit year for accruing earned sick leave is January 1 to December 31. Employees covered under the Earned Sick Leave Law Policy shall accrue sick leave on a prorated basis pursuant to his/her hire date in compliance with the terms as set forth herein.

(b) Employee Classification and Accrual of Earned Sick Leave.

Employees are entitled to the following earned sick leave as follows:

- i. Gubernatorial Appointees and Elected Officials are classified as full time, thirty-five (35) hour employees, entitled to accrue eight (8) working days of sick leave per benefit year.
- ii. Temporary Employees are entitled to accrue one (1) hour of sick leave for every thirty (30) hours worked per benefit year.
- iii. Seasonal Employees are entitled to accrue one (1) hour of sick leave for every thirty (30) hours worked per benefit year.

- iv. Per Diem Employees are entitled to accrue one (1) hour of sick leave for every thirty (30) hours worked per benefit year.
- v. An employee shall not earn sick leave days during a leave of absence without pay or suspension, other periods of inactive service unless required by the law, or when an employee has resigned or retired and said employee is exhausting vacation or compensatory leave and remains on the County's payroll.

(c) Permissible Use of Earned Sick Leave.

Employees who are entitled to sick leave under the Earned Sick Leave Policy are entitled to use the sick leave for the following purposes:

- i. Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury, or other adverse health condition, or for preventative medical care for the employee.
- ii. Time needed for the employee to aid or care for a family member<sup>2</sup> of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury, or other adverse health condition, or during preventative medical care for the family member.
- iii. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence.
- iv. Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others.

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<sup>2</sup> "Family member" for gubernatorial appointments, elected officials, temporary employees, seasonal employees, and per diem employees means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

- v. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

(d) Notification of Sick Leave.

An employee utilizing sick leave pursuant to the Earned Sick Leave Policy must contact his/her department head and/or supervisor at least thirty (30) minutes prior to the scheduled start of the workday. If the sick leave time is foreseeable, the employee must submit the earned sick leave request to the department head and/or supervisor seven (7) days prior to the sick leave start date.

(e) Documentation of Qualified Earned Sick Leave Condition.

Employees who utilize three (3) or more consecutive earned sick leave days can be required to produce reasonable documentation that the sick leave is being taken for the purposes permitted herein. Any employee who uses earned sick leave immediately before or after a paid holiday, vacation day, personal day, or any other paid leave shall be required to produce medical documentation justifying same. If the employee fails to produce adequate documentation, said employees' pay will be docked.

(f) Prohibited Use of Earned Sick Leave.

The County may prohibit employees from using foreseeable earned sick leave on certain dates and require reasonable documentation if sick leave that is not foreseeable if used during those dates. Essential employees required to report to duty because of an emergency or weather-related event are not allowed to use sick leave during certain blacked out periods. Any essential employee using an earned sick leave day during a blacked-out period shall be required to produce documentation. If no documentation is provided, the employee's pay will be docked.

(g) Use of Earned Sick Leave.

Gubernatorial Appointees, Elected Officials, temporary employees, seasonal employees, and per diem employees shall be eligible to use the earned sick leave on the one hundred and twentieth (120<sup>th</sup>) day of employment.

(h) Incremental Use of Earned Sick Leave.

Employees are entitled to use earned sick leave in half (1/2) day increments.

(i) Unused and Accumulated Earned Sick Leave.

- i. Gubernatorial Appointees, Elected Officials, Temporary Employees, Seasonal employees, and Per Diem Employees shall use and accrue no more than forty (40) hours of earned sick leave per benefit year, in compliance with N.J.S.A. 34:11D-2(a).
- ii. Gubernatorial Appointees, Elected Officials, Temporary Employees, Seasonal employees, and Per Diem Employees that are separated from employment with the

County but rehired within six (6) months of separation shall be credited the previously accrued earned sick leave upon reinstatement of employment with the County.

**Section 4.07** Bereavement Leave.

Employees are entitled to three (3) consecutive calendar days leave of absence for the death of an employee's immediate relative. Bereavement leave shall not extend beyond three (3) consecutive calendar days immediately following the death of a family member unless approved by the County Administrator. "Immediate relative" includes spouse, civil union partner, child, parent, stepchild, stepparent, sibling, grandparents, mother in-law, father in-law, 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. Employees may be asked for proof of the immediate relative at the discretion of the Director of Human Resources or County Administrator.

**Section 4.08** Jury Duty.

County employees are encouraged to fulfill their civic duty and serve as a juror when summoned by the courts. An employee required to render jury service shall be entitled to be absent from work during that service and will be paid their usual pay for each required day of jury service. If an employee is notified prior to the date of service that they are not required to report to the court, that employee must report to work. Employees summoned to jury duty must notify their supervisor as soon as possible, but no later than one (1) week of receiving notice. Following completion of jury duty, employees shall submit official confirmation of service provided by the vicinage to the Department of Human Resources.

**Section 4.09** Incremental Use of Paid Leave.

An employee is permitted to use vacation, personal, or sick days in one half (1/2) day increments.

**Section 4.10** Medical Documentation.

Employees who call in sick the day before or after a paid holiday, approved vacation day, personal day, compensatory day, or any other approved day of absence are required to submit a physician's statement to the Director of Human Resources. Any employee who does not submit medical document will have his/her pay docked.

**Section 4.11** Donated Leave Policy.

(a) Definitions.

The following definitions are applicable to the Donated Leave Policy:

- i. With respect to an employee, a "catastrophic health condition or injury" shall mean a life-threatening condition or combination of conditions, or a period of disability required by his/her mental or physical health or the health of the employee's fetus requiring the care of a physician who provides medical verification of the need for the employee's absence from work for sixty (60) or more days.
- ii. With respect to an employee's immediate family member, "catastrophic health condition or injury" shall mean a life-threatening condition or combination of conditions or a period of disability required by his/her mental or physical health and requiring the care of a

physician who provides medical verification of the need from the family member's care by the employee for sixty (60) or more days.

- iii. The term "Immediate Family Member" shall mean the employee's father, mother, father in-law, mother in-law, spouse, civil union partner, child, son in-law, daughter in-law, grandparent, grandchild, or sibling. Any interpretation of this definition shall be made at the sole discretion of the County Administrator.
- iv. The term "Leave Recipient" shall mean an employee of the County who is desirous of accepting leave time accrued and donated by a fellow employee.
- v. The term "Leave Donor" shall mean an employee of the County who is desirous of providing, without compensation, accrued sick, vacation, or personal days to a fellow employee dealing with a catastrophic health injury or condition.

(b) General.

The County will permit an employee to voluntarily donate accrued sick or vacation days to a fellow employee of the County who has exhausted his/her own earned leave because of a catastrophic health condition or injury suffered by themselves or an immediate family member which is expected to require a prolonged absence from work. The Donated Leave Policy will be administered in a manner as to ensure the goals of the policy are met without interfering with an employee's right to privacy as otherwise protected by federal and State law, rules, or regulations.

(c) Eligibility.

A permanent full-time employee of the County shall be eligible to receive donated sick or vacation leave if the employee:

- i. Has completed one year of continuous service;
- ii. Has exhausted all accrued sick, vacation, personal, compensatory, or other leave as granted under the law or in the Personnel Manual;
- iii. Has not, in the two (2) year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive tardiness, or for the abuse of paid leave; and
- iv. Either: (a) suffers from a catastrophic health condition or injury; (b) is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or (c) requires absence from work due to the donation of an organ.

(d) Participation Requirements.

If an employee wishes to donate accrued sick, vacation, or personal days to a fellow employee dealing with a catastrophic health injury or condition, the following is required:



- i. A Leave Recipient must receive at least five (5) sick days, vacation days, personal days, or a combination thereof from one or more leave donors to participate in the donated leave program.
- ii. A Leave Recipient may not collect temporary disability insurance or workers' compensation insurance benefits while utilizing donated leave time under this policy.
- iii. A Leave Recipient is limited to a lifetime maximum of two hundred and sixty (260) donated sick days, vacation days, or personal days, and shall not receive any such days on a retroactive basis.
- iv. A Leave Donor shall have remaining at least twenty (20) days of accrued sick leave if donating sick leave and at least twelve (12) days of accrued vacation leave if donating vacation leave.
- v. A Leave Donor shall donate only whole sick days or whole vacation days and may not donate more than thirty (30) such days to any one recipient.
- vi. A Leave Donor shall not revoke the leave donation.
- vii. While using donated leave time, the Leave Recipient shall accrue sick leave and vacation leave under the normal County policies and shall be entitled to retain such leave upon his or her return to work.
- viii. Upon a Leave Recipient's return to work or separation from County employment for any reason, any unused, donated leave shall be returned to the Leave Donors on a prorated basis upon the Leave Recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that the leave time shall not be returned.
- ix. Upon retirement, the Leave Recipient shall not be granted supplemental compensation on retirement for any unused days, which he or she had received through the leave donation program.
- x. An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving the voluntary donation, receipt or use of donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer, or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.
- xi. Upon receipt of a request to donate time, the Director of Human Resources will verify that the Leave Donor is eligible to donate time and said department will deduct appropriate time from the Leave Donor.
- xii. A Leave Recipient may use donated leave in half day or whole day increments. Recipients may return to work on a part time, or intermittent basis, and remain eligible

for the donated leave program if they do not exceed two hundred and sixty (260) days in a lifetime.

- xiii. A catastrophic health condition or injury is considering closed when the Leave Recipient is medically cleared to return to work without restrictions.
- xiv. If the Leave Recipient returns to work or otherwise terminates employment, the remaining balance of unused donated leave must be equally returned to all Leave Donors in whole day increments only. Partial day increments will not be restored to the Leave Donor nor remain credited to the recipient.
- xv. An illness or injury of an immediate family member requiring an employee's absence from work to provide care must meet the same criteria applicable to an employee's own medical necessity.

(e) Procedure.

If an employee wishes to donate accrued sick, vacation, or personal days to a fellow employee dealing with a catastrophic health injury or condition, the following steps must be completed:

- i. Written Request. An employee may submit a request, in writing, to his/her department head to participate in the Donated Leave Program as either a Leave Recipient or Leave Donor. The department head shall then forward the request to the Director of Human Resources who will verify whether the employee is eligible to participate, before sending the request to the County Administrator for final approval. A supervisor may submit a request on behalf of an employee unable to make the request.
- ii. Medical Verification. An employee requesting the employee's acceptance as a Leave Recipient shall submit to the Director of Human Resources medical verification, signed by a physician licensed by the State of New Jersey, concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as may be the case. The medical verification required for the receipt of donated leave shall include the nature and anticipated duration of the catastrophic health condition or injury, or the donation of an organ. The same medical documentation set forth above shall be required whether applying for donated leave to care for oneself or immediate family member. The medical verification form should be directly submitted to the Department of Human Resources.
- iii. Notice. Upon approval by the County Administrator, the department head or supervisor shall, with the Leave Recipient's consent, post or circulate the employee's name, along with those of other eligible employees, in a conspicuous manner to encourage the donation of leave time. If the employee is unable to consent to the posting or circulation, the employee's family may consent on his/her behalf.

**Section 4.12** Workers' Compensation Leave.

(a) Policy.

- i. An employee who suffers a job-related injury or illness may be entitled to medical expenses, lost wages, and other compensation under the Workers' Compensation Act.

- ii. Workers' compensation benefits shall not be paid until the employee has been disabled for a period of seven (7) calendar days from the job-related injury, unless otherwise required by law, except for medical bills.
- iii. Any occupation injury or illness must be immediately reported to a supervisor or department head.
- iv. All required medical treatment must be performed by a workers' compensation physician appointed by the County.
- v. If an employee is receiving workers' compensation payments, the County is responsible for payment of the employee's pension contributions because the employee is not collecting a salary. However, if an employee is receiving workers' compensation with full pay, the employee is responsible for all payroll deductions. If on an unpaid workers' compensation leave of absence, the employee is also responsible for paying any health benefits contributions directly to the County.
- vi. Benefits received by an employee under the Workers' Compensation Act is not a leave entitlement, but only a wage replacement arrangement.

(b) Unauthorized Medical Treatment.

The County shall not render payment for unauthorized medical treatment.

(c) Light Duty Policy.

- i. The County will endeavor to bring an employee with a temporary job-related injury or illness back to work as soon as possible. As such, the County recognizes that it may be necessary to allow an employee to undertake a temporary light duty position who has suffered an occupational injury or illness.
- ii. The County shall grant a request for a light duty assignment on a case-by-case basis, taking into consideration reports issued by the workers' compensation physician, and staffing needs of the employee's department.
- iii. The County reserves the right to grant, refuse, or terminate a light duty assignment at any time without cause, unless it conflicts with State or federal law.
- iv. A light duty assignment may be within the employee's department, or in another department, at the County's discretion.

(d) Retaliation Prohibited.

The County shall not take any retaliatory action against an employee because the employee has filed for workers' compensation benefits, including, but not limited to, denying or limiting a request for a leave of absence, because an employee asserted a claim for workers' compensation benefits.

**Section 4.13** Federal Family and Medical Leave.

(a) Definitions.

The following definitions are applicable to Federal Family and Medical Leave:

- i. “Covered Service Member” shall mean a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member’s initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- ii. “Eligible Employee” shall mean an individual who has been employed by the County for at least twelve (12) months, has worked at least one thousand two hundred and fifty (1,250) hours during the preceding twelve (12) month period, and is employed at a worksite with at least fifty (50) employees within seventy-five (75) miles of that worksite.
- iii. “Next of Kin” shall mean the nearest blood relative of the employee.
- iv. “Qualifying Exigency” shall mean broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-dept activities, and additional activities agreed to by the County and the employee.
- v. “Serious Health Condition” shall mean an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.
- vi. “Serious Injury or Illness” shall mean an injury or illness incurred by a Covered Servicemember in the line of duty or on active duty in the Armed Forces, National Guard of Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active-duty service, that may render the servicemember medically unfit to perform the duties of the member’s office, grade, rank, or rating.

(b) Policy.

In accordance with the FMLA, the County shall provide an eligible employee up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service Member. At the conclusion of FMLA leave, subject to certain restrictions, an employee generally has the right to return to the same or equivalent position.

(c) Permissible Use of FMLA Leave.

An eligible employee may take FMLA for any one or more of the following reasons:

- i. The birth, adoption, or placement for foster care of the son or daughter of an employee, and to care for such child.
- ii. A Serious Health Condition of a spouse, son, daughter, or parent of an employee if the employee is needed to care for such family member.
- iii. A Serious Health Condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee's inability to work for more than three consecutive days, although certain exceptions to this rule.
- iv. Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the armed forces, National Guard or reserves on active-duty status during the deployment to a foreign country, and or has been notified of an impending call to active-duty status as such in support of a contingency operation

(d) Eligibility.

An employee who has been employed by the County for twelve (12) months or more and worked one thousand two hundred and fifty (1,250) hours or more in the preceding twelve (12) month period preceding the first day of the requested FMLA leave. The twelve (12) month period shall be determined by using a rolling (12) month period that commences with the first day leave is taken.

(e) Notice.

When the FMLA leave is foreseeable, an employee is required to provide at least thirty (30) days' notice to the Director of Human Resources.

(f) Certification.

- i. When an employee is taking FMLA leave, a medical certification is required, and periodic recertification may be required.
- ii. When an employee is taking a FMLA leave because of the employee's Serious Health Condition, a certification of fitness to return to work is required. The County, at its own expense, may require an examination by a second healthcare provider designated by the County. If the second healthcare provider's opinion conflicts with the original medical certification provided by the employee, the County, at its expense, may require a third, mutually agreeable healthcare provider to conduct an examination and provide a final and binding opinion.
- iii. For an employee that is a Covered Service Member, a certification is required that the employee is a member of the regular armed forces, National Guard or Reserves, who is on active duty or called to active duty in support of a contingency operation. Absent exigent circumstances, the certification must be provided within fifteen (15) days.
- iv. The County will require periodic status reports from the employee concerning their intended return date. An unexcused failure to provide requested documents may result in the denial of FMLA leave.

(g) Intermittent Leave.

When necessary, an employee may be eligible to use FMLA leave on an intermittent or reduced work schedule basis. The employee and the County shall attempt to work out an intermittent schedule that meets the employee's needs without unduly disrupting County operations, subject to approval by the employee's healthcare provider. The County may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternate position with equivalent pay and benefits that is better suited to the leave schedule.

(h) Employment and Benefits Protection.

- i. During the FMLA leave, an employee's health benefits shall continue under the same conditions as if the employee were reporting to work. During any portion of unpaid FMLA leave that is taken by the employee, the employee is required to pay for any healthcare contribution deductions. If an employee fails to report to work after the FMLA leave, the employee will be responsible for any unpaid health insurance premiums.
- ii. If the FMLA is unpaid, an employee is required to pay his/her contribution pursuant to Chapter 78, and any voluntary supplemental benefits the employee may have. An employee's health coverage will cease if the premium payment owed is more than thirty (30) days late.
- iii. If the FMLA leave is unpaid, an employee is required to pay any pension contribution to receive pension credit during the period of the leave. If the 12 weeks' FMLA entitlement is exhausted and the employee wishes to maintain health coverage while on leave, the employee will be required to pay the full cost of their health benefits through COBRA.
- iv. Subject to certain exceptions, when the FMLA leave ends, an employee will be returned to the position they left, or to a position equivalent in pay, benefits, and other terms of employment.<sup>3</sup>
- v. An employee shall not accrue vacation, sick, or personal time when the FMLA leave is unpaid.
- vi. An employee's failure to return from FMLA leave for reasons other than the employee's Serious Health Condition may result in termination of employment. In the event an employee cannot return to employment at the end of the approved FMLA leave, he/she must contact the Department of Human Resources to discuss options available to the employee under State and federal law.

(i) Coordination with State Leave Policies.

As set forth in the Personnel Manual, the State offers various leave benefit programs for eligible employees. The Department of Human Resources will work individually with each employee to

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<sup>3</sup> Employees identified as "key employees" which is defined as the highest paid ten percent (10%) of salaried employees of the County who live within a seventy-five (75) mile radius of the County may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the County. An employee will be informed of their status as a "key employee" prior to the beginning of the leave period.

determine the appropriate leave program for an employee to maximize the benefits available under the law.

(j) Utilization of Paid Leave.

An employee is required to exhaust all accrued sick time during the FMLA leave. Once an employee's accrued sick time is exhausted, the employee has the option of utilizing other accrued benefit time, or to take the balance of the FMLA unpaid.

If an employee does not qualify for FMLA and is approved for a personal illness leave of absence, the employee will be required to exhaust all accrued sick time during the personal illness leave. Once an employee's accrued sick time is exhausted, the employee may request approval to utilize other accrued benefit time or take the balance of the leave unpaid.

(k) Coordination with other Leave Policies

The period attributable to the employee's absence due to any workers' compensation, disability, or sick time, will be counted against available leave under this policy to the extent permitted by law. If additional family, medical or sick leave is available pursuant to state laws, this leave will also run concurrently with FMLA leave to the extent permitted by law.

**Section 4.14** New Jersey Family Leave Act.

(a) Policy.

In accordance with the NJFLA, the County shall provide an eligible employee with up to twelve (12) weeks of unpaid, job-protected leave for specified family reasons under the law in a rolling twenty four (24) month period that commences on the first day an approved NJFLA leave is taken.

(b) Permissible Use of NJFLA Leave.

An eligible employee may take NJFLA for any one or more of the following reasons:

- i. The birth or adoption of a child, but the NJFLA leave must be taken within twelve (12) months of the birth of the child or placement of the child for adoption.
- ii. The care by an employee of an immediate family member<sup>4</sup> with a physical or mental impairment who is incapable of self-care with a serious health condition.

(c) Use of NJFLA Leave.

An employee may take NJFLA leave in the following ways:

- i. As a single block of time.
- ii. By reducing an employee's normal work week for no more than twenty four (24) consecutive weeks in a twenty four (24) month period.

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<sup>4</sup> An "immediate family member" is defined as an employee's spouse, civil union partner, child under eighteen (18) years old, parent, or parent in-law.

- iii. Intermittently in increments lasting at least one (1) week, but less than twelve (12) weeks in a consecutive twelve (12) month period, when medically necessary.

An employee taking NJFLA leave in an intermittent or reduced schedule manner must first be approved by the County. Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty four (24) month period, or until such time as the employee's twelve (12) week NJFLA leave is exhausted, whichever is shorter.

An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty four (24) month period. Any remaining NJFLA leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

(d) Eligibility.

To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the County with at least one thousand (1,000) hours worked in the previous twelve (12) month period.

(e) Notice.

When the NJFLA leave is foreseeable, an employee is required to provide at least thirty (30) days' notice to the Director of Human Resources.

(f) Certification.

- i. When an employee is taking NJFLA leave, a medical certification is required, and periodic recertification may be required.
- ii. The County will require periodic status reports from the employee concerning their intended return date. An unexcused failure to provide requested documents may result in the denial of NJFLA leave.

(g) Employment and Benefits Protection.

- i. During the NJFLA leave, an employee's health benefits shall continue under the same conditions as if the employee were reporting to work. During any portion of the NJFLA leave that is taken by the employee unpaid, the employee is required to pay for any healthcare contribution deductions. If an employee fails to report to work after the NJFLA leave, the employee will be responsible for any unpaid health insurance premiums.
- ii. If the NJFLA is unpaid, an employee is required to pay his/her contribution pursuant to Chapter 78, and any voluntary supplemental benefits the employee may have. An employee's health coverage will cease if the premium payment owed is more than thirty (30) days late.
- iii. If the NJFLA leave is unpaid, an employee is required to pay any pension contribution to receive pension credit during the period of the leave. If the 12 weeks' NJFLA entitlement



is exhausted and the employee wishes to maintain health coverage while on leave, the employee will be required to pay the full cost of their health benefits through COBRA.

- iv. Subject to certain exceptions, when the NJFLA leave ends, an employee will be returned to the position they left, or to a position equivalent in pay, benefits, and other terms of employment.
- v. An employee shall not accrue vacation, sick, or personal time when the NJFLA leave is unpaid.
- vi. An employee's failure to return from NJFLA leave for reasons other than the employee's Serious Health Condition may result in termination of employment. In the event an employee cannot return to employment at the end of the approved NJFLA leave, he/she must contact the Department of Human Resources to discuss options available to the employee under State and federal law.

(h) Utilization of Paid Leave.

An employee is required to exhaust all accrued sick time during the NJFLA leave. Once an employee's accrued sick time is exhausted, the employee has the option of utilizing other accrued benefit time, or to take the balance of the NJFLA unpaid.

If an employee does not qualify for NJFLA and is approved for a personal leave of absence, the employee will be required to exhaust all accrued sick time during the personal leave of absence. Once an employee's accrued sick time is exhausted, the employee may request approval to utilize other accrued benefit time or take the balance of the leave unpaid.

(i) Retaliatory Action Prohibited.

The County shall not take any retaliatory action against an employee because the employee is taking NJFLA leave. Any allegations of retaliation because an employee is taking NJFLA leave must be reported to the Department of Human Resources.

**Section 4.15** New Jersey Family Leave Insurance.

(a) Policy.

The State provides up to twelve (12) consecutive weeks in a twelve (12) month period, or up to eight (8) weeks, if the NJFLI is taken in a non-continuous manner, of replacement wages for employees who need to care for seriously ill or injured family member, or bond with a newborn, newly adopted, or newly placed foster child. NJFLI complements the Temporary Disability Insurance program, which partially replaces wages during an employee's own injury, illness, or other disability, including pregnancy. NJFLI is a wage replacement benefit, not a leave of absence entitlement.

(b) Eligibility.

An employee is eligible for NJFLI based upon salary earnings during a twenty (20) week period, as determined by the State Division of Temporary Disability and Family Leave Insurance. NJFLI is subject to approval by the State.

(c) Notice.

An employee must give the County thirty (30) days' notice if taking a leave of absence for bonding in one continuous period, and fifteen (15) days' notice if taking your leave in a non-continuous manner. If you plan to care for a family member and take your leave all at once, you must give the County reasonable notice, unless there are unforeseen or emergency circumstances and fifteen (15) days' notice for separate periods of leave. If you do not give the County adequate notice, an employee's benefit entitlement may be reduced by fourteen (14) days.

**Section 4.16** Temporary Disability Insurance.

(a) Policy.

The State provides TDI to eligible employees in the form of cash benefits to an employee who must stop working due to a physical or mental health condition, or other disability related to their work. TDI is subject to approval by the State.

(b) Eligibility.

To have a valid claim for TDI, an employee must have paid into the program through their employment with the County and meet minimum gross earnings requirements. An employee is eligible for TDI based upon salary earnings during a twenty (20) week period, as determined by the State Division of Temporary Disability and Family Leave Insurance. TDI is subject to approval by the State.

(c) Notice.

An employee has thirty (30) days from the first date of his/her disability to file an application for TDI with the State. If the application is received more than thirty (30) days from the first day of an employee's disability, you must provide a reason why the claim was not filed on time. Benefits may be reduced or denied by the State for late applications.

**Section 4.17** Military Leave.

(a) Uniform Services Employment and Reemployment Rights Act.

(i) Policy.

The County shall provide leave for an employee who is performing uniformed service as provided under the USERRA, and the job protections as set forth therein.

(ii) Eligibility.

An employee is eligible for leave under the USERRA who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services." Uniformed service

includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

(iii) Employee Rights.

The USERRA provides that returning servicemembers are to be reemployed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning servicemembers to qualify for reemployment. If the servicemember cannot qualify for the "escalator" position, he or she must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights and benefits accorded other similarly-situated individuals on non-military leaves of absence.

(iv) Time Limits for Returning to work with the County.

An employee who is returning from an approved USERRA leave must return to work with the County as follows:

- *Less than 31 Days Service:* by the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight-hour rest period. If this is impossible or unreasonable, then as soon as possible.
- *31 to 180 Days Service:* The employee must apply for reemployment no later than 14 days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- *181 Days or More of Service:* The employee must apply for reemployment no later than 90 days after completion of military service.
- *Service-Connected Injury or Illness:* Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

(v) Prohibition of Employment Discrimination or Retaliation.

The USERRA prohibits employment discrimination against a person based on past military service, current military obligations, or intent to serve. The County must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person because of a past, present, or future service obligation. In addition, the County must not retaliate against a person because of an action taken to enforce or exercise any USERRA right or for assisting in an USERRA investigation. An employee must report to the Department of Human Resources if they feel they are being discriminated or retaliated against because of leave as granted under the USERRA.

(b) Leave of Absence for County Employees Entering Military Service, National Guard pursuant to N.J.S.A. 38:23-4.

In compliance with N.J.S.A. 38:23-4, an employee is entitled to a leave of absence when entering military service, or service with the National Guard, pursuant to the following conditions:

- i. An employee who has entered, or hereafter shall enter, the active military or naval service of the United States or the National Guard, in time of war or an emergency, including a state emergency, or for or during any period of training, or pursuant to or in connection with the operation of any system of selective service, or who, after July first, one thousand nine hundred and forty, has entered or hereafter, in time of war, shall enter the active service of the United States Merchant Marine, or the active service of the Women's Army Auxiliary Corps, the Women's Reserve of the Naval Reserve or any similar organization authorized by the United States to serve with the Army or Navy, shall be granted leave of absence for the period of such service and for a further period of three months after receiving his discharge from such service.
- ii. If any such person shall be incapacitated by wound or sickness at the time of his discharge from such service, his leave of absence shall be extended until three months after his recovery from such wound or sickness, or until the expiration of two years from the date of his discharge from such service, whichever shall first occur.
- iii. In no case shall such person be discharged or separated from his office, position, or employment during such period of leave of absence because of his entry into such service, or because of reasons of economy or efficiency or other related reason if entry into active military service in the Armed Forces of the United States, or the National Guard, was in time of war or an emergency, including a state emergency.
- iv. During the period of such leave of absence such person shall be entitled to all the rights, privileges, and benefits that he would have had or acquired if he/she had actually served in such office, position, or employment during such period of leave of absence except, unless otherwise provided by law, the right to compensation. Such leave of absence may be granted with or without pay as provided by law. Such person shall be entitled to resume the office, position or employment held by him/her at the time of his/her entrance into such service, provided he/she shall apply therefor before the expiration of his/her said leave of absence.
- v. If the County's circumstances have so changed for reasons of economy or efficiency or other related reason as to make it impossible or unreasonable for such person who entered service in time of war or other emergency to resume the office, position or employment held prior to entrance into such service, the County shall restore such person to a position of like seniority, status and pay, or any position available, if requested by such person, for which the person is able or qualified to perform the duties.
- vi. Upon resumption of his/her office, position or employment, the service in such office, position or employment of the person temporarily filling the same shall immediately cease. No person who, after entry into such service, shall have been separated from any such service by a dishonorable discharge shall be entitled to any of the rights, privileges or benefits herein conferred.

**Section 4.18** New Jersey Security and Financial Empowerment Act Leave.

(a) Definitions.

The following definitions are applicable to NJ SAFE Act Leave:

- i. “Employee” shall mean a person who is employed by the County for at least twelve (12) months for not less than one thousand (1,000) base hours during the immediately preceding twelve (12) month period.
- ii. “Domestic Violence” shall mean the occurrence of one (1) or more of the following acts inflicted upon a person by a spouse, domestic partner, civil union partner, cohabitant, or emancipated minor child: homicide; assault; terroristic threats; kidnapping; criminal restraint; false imprisonment; sexual assault; criminal sexual contact; lewdness; criminal mischief; burglary; criminal trespass; harassment; or stalking.
- iii. “Sexually Violent Offense” shall mean aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping and endangering the welfare of a child; criminal sexual contact; felony murder if the underlying crime is sexual assault; an attempt to commit any of these enumerated offenses; or any offense for which a court makes a specific finding on the record that, based on the circumstances of the case, the person’s offense should be considered a sexually violent offense.
- iv. “Certified Domestic Violence Specialist” shall mean a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.
- v. “Designate Domestic Violence Agency” shall mean a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the New Jersey Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.
- vi. “Rape Crisis Center” shall mean an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

(b) Policy.

In accordance with the NJ SAFE Act, an eligible employee can take up to twenty (20) days of unpaid leave during any twelve (12) month period to attend to a variety of matters related an act of domestic violence or sexual assault committed against the employee or a family or household member, including the following activities:

- i. Seeking medical attention for, or recovering from, physical or psychological injuries caused by the incident.
- ii. Obtaining services from a victim services organization.

- iii. Obtaining psychological or other counseling.
- iv. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the victim's safety or to ensure his or her economic security.
- v. Seeking legal assistance, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence.
- vi. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. Each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided that the employee has not exhausted the allotted twenty (20) days in any twelve (12) month period.

(c) Notice.

When the necessity for NJ SAFE Act Leave is foreseeable, an employee must provide written notice to the Department of Human Resources as far in advance as is reasonably and practical under the circumstances.

(d) Certification and Reporting.

An employee will be required to produce documentation to the County of the domestic violence or sexually violent offense which is the basis for the NJ SAFE Act Leave, which includes one or more of the following:

- i. A domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction.
- ii. A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense.
- iii. Documentation of the conviction of a person for the domestic violence or sexually violent offense.
- iv. Medical documentation of the domestic violence or sexually violent offense.
- v. A certification from a Certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense.
- vi. Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or sexually violent offenses.

(e) Utilization of Paid Time Off.

NJ SAFE Act Leave is unpaid. However, depending on the circumstances, an employee may be entitled to receive State-sponsored wage replacement benefits. These benefits would run concurrently with an employee's unpaid leave. An employee who is eligible for NJ SAFE Act Leave may also choose to use accumulated leave during his or her unpaid leave. Employees may not receive more than one hundred percent (100%) of salary at any time. If an employee is not eligible for State-sponsored wage replacement benefits, they are required to accumulate leave during the approved unpaid leave. Use of paid time off will not serve to extend the length of the employee's leave under this policy.

(f) Intermittent Leave.

NJ SAFE Act Leave may be taken intermittently in intervals of no less than one (1) day.

(g) Employment and Benefits Protection.

During an approved NJ SAFE Act Leave, an employee's health benefits shall continue under the same conditions as if the employee were not on an unpaid leave. If an employee fails to return from the NJ SAFE Act Leave, an employee may be terminated.

(h) Federal and Other State Leave Laws

The County will comply with any federal or state leave laws to the extent they provide for more generous benefits. State and federal leave law benefits will run concurrently with NJ SAFE Act benefits to the extent permitted by law.

**Section 4.19** Volunteer Emergency Responders Leave.

(a) Eligibility.

An employee who is a volunteer emergency responder is eligible for an unpaid leave when serving in that capacity in response to a state of emergency declared by the President of the United States or Governor of the State. Volunteer emergency responder is defined as an active member in good standing of a volunteer fire company, a volunteer member of a duly incorporated first aid, rescue or ambulance squad, or a member of any county or municipal volunteer Office of Emergency Management, provided the member's official duties include responding to a fire or emergency call.

(b) Policy.

The County shall not terminate, dismiss, or suspend an employee who fails to report for work at his place of employment because he is serving as a volunteer emergency responder during a state of emergency declared by the President of the United States or the Governor of this State or is actively engaged in responding to an emergency alarm.

(c) Notice.

An employee must provide notice, at least one (1) hour before he or she is scheduled to report to work at the County, that the employee is rendering emergency services in response to a declared state of emergency or emergency alarm.

(d) Certification.

Upon returning to the County, an employment shall provide a copy of the incident report and a certification by the incident commander, or other official or officer in charge, affirming that the volunteer emergency responder was actively engaged in, and necessary for, rendering emergency services and setting forth the date and time the volunteer emergency responder was relieved from emergency duty by that officer or official.

(e) Unpaid Leave.

Emergency Responders Leave is unpaid. However, an employee absent from work because of service as a voluntary emergency responder may charge his or her absence to accumulated leave previously accrued.

(f) Essential Employee.

Volunteer Emergency Responders Leave shall not apply to essential employees.

**Article V. Employee Benefits.**

**Section 5.01 Medical Benefits.**

(a) Health Insurance and Prescription Benefits.

Upon completion of a ninety (90) day probationary period:

- i. Full-time employees and their immediate family members, including civil union partners, are offered health insurance and prescription drug coverage as provided by the County.
- ii. Part-time employees working twenty-four (24) hours or more are only entitled to single health insurance and prescription drug coverage as provided by the County.

Co-pays and premiums shall be determined by the plan the employee chooses to join. The County may make several plans available to employees and the employee can choose said plan upon hire and during the open enrollment periods. The County reserves the right to change network providers, claims agents and insurance mechanisms. The County also reserves the right to modify benefit levels for non-unionized employees at any time. The health insurance and prescription benefit plans are on file in the County Department of Human Resources. The Summary Plan Description is provided to all employees upon hire and during open enrollment periods.

(b) Status of Medical Benefits Upon Separation from County Service.

Health and prescription coverage for employees who separate employment with the County will terminate at the end of the month when the separation date is prior to the 10<sup>th</sup> day of same month, or the end of the following month if separation is after the 10<sup>th</sup> day of the moth.



(c) COBRA Benefits.

Upon termination of coverage, employees may be able to extend health insurance coverage for themselves and/or their dependents by taking advantage of the provisions of COBRA. Upon separation, employee shall receive a notice of COBRA rights. For more information, consult the Department of Human Resources.

(d) Dental Insurance.

Upon completion of a ninety (90) day probationary period, full-time employees, and their immediate family members, including civil union partners, are offered dental insurance coverage as provided by the County. Co-pays and premiums shall be determined by the plan the employee chooses to join. The County may make several plans available to employees and the employee can choose said plan upon hire and during the open enrollment periods. The County reserves the right to change network providers, claims agents and insurance mechanisms. The County also reserves the right to modify benefit levels for non-unionized employees at any time. The dental plans are on file in the County Department of Human Resources. The Summary Plan Description is provided to all employees upon hire and during open enrollment periods.

(e) Status of Dental Insurance Upon Separation from County Service.

Dental coverage for employees who separate employment with the County will terminate at the end of the month when the separation date is prior to the 10<sup>th</sup> day of same month, or the end of the following month if separation is after the 10<sup>th</sup> day of the month.

(f) COBRA Benefits

Upon termination of dental insurance coverage, employees may be able to extend dental insurance coverage for themselves and/or their dependents by taking advantage of the provisions of COBRA. Upon separation, employee shall receive a notice of COBRA rights. For more information, consult the County Department of Human Resources.

(g) Prescription Eyeglasses Benefit.

The County offers employees a voluntary eyeglass plan. If an employee elects such coverage, the employee pays the entire cost of such coverage. Contact the Department of Human Resources for more information.

(h) Military Leave.

Employees on Military Leave receive full medical benefits for the duration of their active-duty service.

(i) Appeal.

If an employee wishes to appeal a decision regarding the coverage of services under the health insurance plan following an exhaustion of the appeal process with the County's medical insurance provider, it must complete the Health Insurance Benefit Appeal Form available on the County website and submit same to the Insurance Division. As soon as practicable, the Insurance Commission shall consider the appeal, and inform the employee in writing on its decision.

**Section 5.02** Chapter 78.

Employees shall make contributions towards the cost of their health insurance at Tier IV levels in an amount set forth pursuant to Chapter 78, P.L. 2021 and any amendments thereto, regardless of statutory sunset

**Section 5.03** Life Insurance.

An employee is granted a life insurance policy in the amount of four thousand dollars (\$4,000.00).

**Section 5.04** Longevity.

- (a) An employee is entitled to longevity benefits for active continuous years of service to the County, and shall receive additional compensation as follows:

Two percent (2%) of base pay after completion of seven (7) years.

Four percent (4%) of base pay after completion of ten (10) years.

Six percent (6%) of base pay after completion of fifteen (15) years.

Eight percent (8%) of base pay after completion of twenty (20) years.

Ten percent (10%) of base pay after completion of twenty-five (25) years.

- (b) Part-time employees shall receive longevity benefits on a prorated basis based on the schedule set forth herein.
- (c) An employee receiving a longevity benefit that has a break in service to the County greater than one (1) year shall complete one (1) full year of active service to the County prior to resuming longevity benefits.
- (d) Effective July 1, 1998, an employee hired by the County shall not receive longevity benefits based upon prior employment with any other public entity, other than the County, its agencies, or its instrumentalities.
- (e) Gubernatorial Appointees and Elected Officials are not entitled to longevity benefits.

**Section 5.05** Deferred Compensation.

The County shall make available to employees various deferred compensation plans in which they can voluntarily enroll to be paid solely by the employee. The Board may add and remove deferred compensation providers at its discretion. For more information regarding voluntary deferred compensation plans, please contact the Department of Human Resources.

**Section 5.06** Retirement.

- (a) Retirement Policy.

- i. Under State law, all eligible employees must enroll in the New Jersey Public Employees Retirement System, Defined Contribution Retirement Program or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the plan will be via a payroll deduction.

- ii. Retirement benefit options are available to employees who meet the eligibility requirements under the State of New Jersey Division of Pensions and Benefits law. For your eligibility requirements, contact the County Finance Department's Pension Division.
- iii. Employees who decide to file retirement paperwork must do so through their Pension MBOS account. Employees who chose to do so without the assistance of the County Pension Division shall be required to notify the County Pension Division and their Department Head within 10 working days from the date they file for retirement regarding their plans to retire.
- iv. The State retirement plans request six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor or co-workers by providing information concerning their current projects and help in training of a replacement. The department head shall prepare an Employee Personnel Action Form showing any pay or other money owed to the employee.
- v. The Director of Human Resources or designee 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 address on record. On the last day of work, the employee must return their employee identification card, keys, and all County owned equipment.

Upon submitting the retirement application to the New Jersey Pension and Benefits, the employee shall be considered terminated from employment.

(b) Retiree Health Benefits.

- i. Certain employees may be eligible to continue to receive health insurance coverage paid for by the County upon retirement.
- ii. Pursuant to Chapter 78, P.L. 2011, certain employees will be required to make contributions to health care benefits coverage upon retirement.
- iii. For more information regarding eligibility for such benefits, employees should refer directly to the County's Resolutions governing retiree health benefits available from the Department of Human Resources or refer to their respective applicable collective negotiations agreement.
- iv. Contact the Department of Human Resources for information on whether you qualify for retiree health benefits.
- v. Employees receiving retiree health benefits prior to December 31, 2013 must notify the Employee Benefits Clerk in writing with proof of enrollment, when they become eligible for Medicare Part A and B. Pursuant to Resolution No. R13338, dated May 28, 2013, the County shall reimburse employees qualifying for retiree health benefits for the cost of Medicare Part B. For more information consult the Employee Benefits Clerk in the department of human resources.

(c) Ordinary Disability Retirement.

- i. For your eligibility requirements, contact the County Finance Department's Pension Division.
- ii. Upon submitting the retirement application to the New Jersey Division of Pensions and Benefits, the employee shall be considered terminated from employment.
- iii. Employees that are approved for an Ordinary Disability Retirement may also qualify for retiree health benefits. Contact the Department of Human Resources on whether you qualify for retiree health benefits.

(d) Accidental Disability Retirement.

- i. For your eligibility requirements, contact the County Finance Department's Pension Division.
- ii. Upon submitting the retirement application to the New Jersey Division of Pensions and Benefits, the employee shall be considered terminated from employment.
- iii. Employees that are approved for an Accidental Disability Retirement may also qualify for retiree health benefits. Contact the Department of Human Resources on whether you qualify for retiree health benefits.

**Section 5.07** Employee Assistance Program.

(a) Policy.

It is the policy of the County to provide an employee assistance program to assist employees and their families in resolving personal issues. In limited circumstances, an employee may be compelled to seek services through the EAP.

(b) General.

The County provides a nationally certified EAP staffed by credentialed professionals. It is the intent of the EAP to provide strict confidentiality to its clients in a non-threatening environment. An employee is encouraged to seek assistance from the EAP if they are experiencing personal problems, such as financial, elder care, marital, gambling, emotional, or substance abuse.

**Section 5.08** Professional Development.

(a) Eligibility.

Employees are eligible for educational training, college courses, or seminars, directly related to an employee's work, subject to approval by an employee's department director. The County Administrator has the sole discretion to determine if an educational course is directly related to an employee's work.

(b) Tuition Reimbursement.

- i. Employees must obtain written approval prior to enrolling in an educational course to be eligible for reimbursement.

- ii. College courses taken at accredited higher education institutions shall be reimbursed based on the following scale: one hundred percent (100%) for an “A” grade; ninety percent (90%) for a “B” grade; and eighty percent (80%) for a “C” grade, or any course taken Pass/Fail. Employees receiving a grade lower than a “C” shall not be eligible for tuition reimbursement.
- iii. If an employee separates from employment with the County within twenty-four (24) months of receipt of tuition reimbursement, the employee is required to repay the County the cost of same.

**Section 5.09** Conference and Seminar Policy.

A request to attend a conference or seminar must be approved by an employee’s department director and the County Administrator at least thirty (30) days prior to same. Conferences and seminars are meant for professional development, and employees are expected to participate in same. Copies of any certifications must be provided to the Department of Human Resources, and employees may be required to provide proof of attendance