

**COUNTY OF PASSAIC**

**PERSONNEL**

**POLICIES AND PROCEDURES**

**MANUAL**



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## **AT-WILL STATEMENT & DISCLAIMER**

### **PLEASE READ CAREFULLY**

The contents of this Personnel Policies and Procedures manual (“the Manual”) summarize the current benefits and guidelines within the County of Passaic (“the County”) and are intended as guidelines only. The County reserves the right to change, delete, suspend, or discontinue any part or parts of this Manual at any time, without prior notice, and any such action shall apply to existing as well as future employees. You 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 this Manual. **As such, the contents of the Manual DO NOT CONSTITUTE THE TERMS OF A CONTRACT OF EMPLOYMENT.**

**It should be noted that nothing contained in this Manual should be construed as a guarantee of continued employment; but rather, 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 or the County Executive.**

This 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 Manual, but only the subject provision.

**This Manual has been written so as not to conflict with the collective bargaining agreements between the County and its unionized employees. If there is a conflict between this Manual and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.**

**This 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 this Manual and any such mandate pursuant to New Jersey Civil Service law such law will prevail for covered employees.**

**This Employee Manual takes effect on June 9, 2015.**

## **GENERAL PERSONNEL POLICY**

It is the policy of the County of Passaic (hereinafter the “County”) to treat employees and prospective employees in a fair and respectful manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the County as set forth in this document shall apply to all employees, volunteers, and elected or appointed officials. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including but not limited to, the Attorney General’s guidelines with respect to Police Department personnel matters and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall be controlling.

All employees, officers and Department and Division Heads shall be appointed and promoted by the County Board of Chosen Freeholders. No person shall be employed or promoted unless there exists a position created by the County, as well as the necessary budget appropriation and salary ordinance.

Nothing herein is intended to usurp the powers of County Constitutional Officers afforded by statute. The County has appointed the Director of Personnel to assist the County Administrator in implementing personnel practices.

As a general principle, the County has a “no tolerance” policy towards workplace policy violations. All County Officials and employees are to report anything perceived to be improper to the Director of Personnel. The County believes strongly in an Open Door Policy and encourages employees to talk with their supervisor. In the event that an employee’s supervisor cannot address the concern, a Department Head, the Director of Personnel and/or County Counsel may also be able to assist in addressing the concern.

The Personnel Policies and Procedures Manual (“manual”) adopted by the County is intended to provide guidelines covering public service by County employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for County personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the County. Certain County Departments (i.e. Preakness Healthcare Center, Sheriff’s Department and Prosecutor’s Office) may have specific operational policies that may deviate from the County’s Personnel Manual. In the event that such other operational policies exist and terms contained therein conflict with the terms of this manual, the departmental policies shall control. However, nothing herein shall preclude Department Heads from enacting specific policies for the efficient operation of their office subject to approval by the County Administrator.

## **SECTION ONE**

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

#### **State Residency Requirement**

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Every Passaic 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 this requirement shall render the employee unqualified for holding office, employment or position with the County.

If however, a County employee holds an office, employment, or position with the County as of Sept. 1, of 2011 (the effective date of P.L.2011, c.70), but does not have his or her principal residence in this State on that effective date, he/shall will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven days.

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## **Equal Employment Opportunity Policy**

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

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

## **Americans with Disabilities Act/Accommodation Policy**

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In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the County does not discriminate based on disability. The County will endeavor to make every work environment accessible to persons with disabilities and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

The County is committed to complying with all the relevant and applicable provisions of the Americans with Disabilities Act (“ADA”), as amended by the Americans with Disabilities Amendments Act and related state laws. 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. The County will also make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability or who is pregnant who is an applicant or an employee unless undue hardship or a direct threat would result.

An applicant or employee who requires an accommodation in order to perform the essential functions of the job he or she holds or desires should contact the **Director of Personnel and/or Ken Hirman, who shall serve jointly as the Passaic County ADA coordinators for employees** and request such accommodation. The accommodation request can be written or oral and can be made by the employee or by someone else on the employee’s behalf. The accommodation request should specify the accommodation the employee needs to perform the job. If the requested accommodation is reasonable and will not impose an undue hardship or a direct threat, the County will make the accommodation in accordance with applicable law. The County may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another, but the County retains the ultimate discretion to choose between reasonable accommodations.

Employees are expected to fully cooperate in the accommodation process. The duty to cooperate includes making every effort to provide management with current medical information. Employees who do not meaningfully cooperate in the accommodation process will waive the right to accommodation.

The County appointed ADA Coordinators shall be responsible for oversight of/ engaging in the interactive process/dialogue with employees and applicants with disabilities to identify reasonable accommodations. All decisions with regard to reasonable accommodations shall be made by the County Administrator in conjunction with the recommendations of the ADA Coordinators.

Any employees with questions regarding this policy should see the Director of Personnel.

## **Pregnancy Accommodation**

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The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment based on pregnancy or a pregnancy-related medical condition. The County will also make reasonable accommodations for the known limitations or needs of an otherwise qualified pregnant individual or an individual suffering from a pregnancy-related medical condition, who is an applicant or an employee unless undue hardship would result.

An applicant or employee who requires such an accommodation for needs related to pregnancy should contact Management and make such an accommodation request.

The accommodation request can be written or oral and can be made by the employee or by someone else on the employee's behalf. The accommodation request should specify the accommodation the employee needs to perform the job.

Accommodations shall be granted on a case-by-case basis, in the sole discretion of the County, pursuant to an interactive process. As part of the accommodation process, the County may require verification from the employee's medical physician.

## **Chronic Disease or Life Threatening Illness Policy**

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The County encourages employees with chronic diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition and so long as their condition does not impose a public health risk. The County shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the County. The County will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Any and all medical records or information shall be kept in a separate employee file, separate from the employee's personnel file. Anyone inappropriately disclosing such information shall be subject to disciplinary action up to including termination.

## **Safety Policy**

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The County endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”).

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

## **Alcohol and Drug-Free Workplace**

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The County is committed to protecting the safety, health security and well-being of all County employees and other individuals in our workplace. We recognize that alcohol abuse and drug use pose a significant threat the safety of our workplace and to our goals. We have established an alcohol and drug-free workplace program that balances our respect for individuals with the need to maintain an alcohol and drug-free environment.

We encourage County employees to voluntarily seek help with drug and alcohol problems.

The County recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be under the influence of alcohol, or drugs 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. The supervisor or Department Head shall immediately report any reasonable suspicions of alcohol or drug use to the Director of Personnel and the County Administrator.

Being under the influence as well as the manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on County premises or during work hours by employees is strictly prohibited and may subject the employee to discipline up to and including termination.

An employee may be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. In the event of an accident at work, or in the course of your work for the County or while working on behalf of the County, testing will occur if supported by a reasonable suspicion to believe that an employee's use of such substances was a contributory cause of the accident.

Refusal to submit to testing when requested may result in disciplinary action up to and including termination. A Supervisor or Department Head that observes behavior constituting reasonable suspicion shall immediately contact the Director of Personnel and may not send the employee home as an alternative to testing.

The substances that will be tested for are: Amphetamines, Cannabinoids (THC), Cocaine, Opiates, Phencyclidine (PCP), Alcohol, Barbiturates, Benzodiazepines, Methaqualone and Propoxyphene and alcohol. **Details regarding the particular procedures and method/s of testing are available from the Director of Personnel.**

The County may require follow-up testing for an employee whose employment is maintained after a positive test result. The County may also require return-to-duty testing prior to recommencing employment with the County after a positive test result.

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

Employees using prescription drugs that may affect job performance or safety shall notify the Director of Personnel or his or her designee who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with applicable law.

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

Where applicable, issues of impairment which concern the operation of a motor vehicle shall be governed by the appropriate provisions of the County's Vehicle Policy and Commercial Driver's License Policy available from the Director of the Department of Personnel. Such employees are subject to random drug testing as required by the federal government.

All information received by the organization through the drug-free workplace program is confidential communication. All results of drug and alcohol tests are confidential and will be kept in files separate from the employee's work or personnel file. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

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

*Employees who are employed in certain safety sensitive or highly regulated positions may be subject to separate and independent drug and alcohol policies and/or testing procedures or pre-employment testing procedures. Please consult with the Director of Personnel to determine if you are subject to a separate and/or additional policy(s) regarding drug and alcohol use and/or testing.*

## **Workplace Violence**

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The County will not tolerate workplace violence. Violent acts or threats of violence made by an employee against another person or property are cause for immediate termination and will be fully prosecuted. This includes any violence or threats made on County property, or while conducting County business.

Prohibited conduct includes but is not limited to:

- Purposefully and knowingly causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or reasonably subjects another individual to emotional distress;
- Intentionally damaging County property or property of another employee;
- Possession of a weapon while on County property or while on County business except with the authority of a law enforcement unit; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to the appropriate official (i.e. supervisor, Department Head or the Director of Personnel). The County will actively intervene in any potentially hostile or violent situation.

## **Prohibited Discrimination and Harassment**

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The County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has a right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual and other unlawful harassment. Discrimination or harassment based on a person's race, color, religion, national origin, sex, age, disability, veteran status, sexual orientation or any other classification protected by federal state, or local law will not be tolerated within County employment.

### **Sexual Harassment**

Sexual harassment consists of any unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature when:

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

The following are examples of prohibited conduct:

- 1) Unwelcome physical contact with sexual overtones, such as touching, patting, pinching, repeatedly brushing against someone, or impeding the movement of another person;
- 2) Unwelcome sexually offensive comments such as slurs, jokes, epithets, and innuendo;
- 3) Unwelcome sexually oriented "kidding" or "teasing" or sexually oriented "practical jokes";
- 4) Suggestive or obscene written comments in notes, letters, invitations, or e-mail;
- 5) Inappropriate, repeated, or unwelcome sexual flirtations, advances, or propositions;
- 6) Offensive visual contact such as staring, leering, gestures, or displaying obscene objects, pictures, or cartoons;
- 7) Inappropriate or suggestive comments about another person's physical appearance or dress;
- 8) Exchanging or offering to exchange any kind of employment benefit for a sexual concession, e.g., promising a promotion or raise in exchange for sexual favors; or
- 9) Withdrawing or threatening the withdrawal of any kind of employment benefit for refusing to grant a sexual favor, e.g., suggesting that an individual will receive a poor performance review or be denied a raise unless he/she goes out on a date with a supervisor.

- 10) Posting comments or engaging in dialogue on social media or other internet venues that harass, offend or discriminate against, other employees of the County.

### **Other Prohibited Harassment**

In addition to prohibiting sexual harassment, the County prohibits the harassment of an individual based on his or her race, color, religion, national origin, age, veteran's status, sexual orientation, disability or membership in another group protected by federal, state, or local law. In this regard, harassment is defined as verbal, written or physical conduct to include postings or engaging in dialogue on social media or other internet venues – including but not limited to slurs, remarks, epithets, jokes, or intimidating or hostile acts – based on an employee's membership in a protected class, when such conduct has the purpose or effect of:

- 1) Substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment;
- 2) Otherwise adversely affecting an individual's employment opportunities; or
- 3) Unreasonably interfering with an individual's work performance

### **Applicability of Policy**

The prohibition against unlawful harassment applies to all employees (Department Heads, administrators, managers, supervisors, salaried, hourly, and temporary employees, etc.) as well as elected and appointed officials, contractors, customers, suppliers and guests. Similarly, all the County employees have a responsibility to keep the workplace free of unlawful harassment.

### **Complaint Procedure**

If any employee believes that he/she has been subject to sexual or other unlawful harassment or discrimination, he or she should immediately report the behavior to the employee's immediate supervisor, any other manager to whom they feel comfortable or to their Department Head or the Director of Personnel. In addition, any County employee must report any incident of unlawful harassment they may observe, even if they are not a target or victim.

Employees should report incidents in writing using the Employee Discrimination/Harassment Complaint form available from the Director of Personnel. However, the employee may also make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment or sexual harassment the employee may ask his or her supervisor, Department Head, Director of Personnel, County Administrator or County Counsel.

A supervisor who is made aware of a possible complaint of discrimination or harassment should notify the Director of Personnel or, if more comfortable, County Counsel immediately.

All complaints of harassment or discrimination will be promptly and thoroughly investigated. To the extent practicable under the circumstances, the investigation will be conducted in such a way as to maintain confidentiality to the extent possible.

If it is determined that inappropriate conduct has occurred, the County will act promptly to eliminate the offending conduct, which may include disciplinary action as is 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 harassment or discrimination.

Employees who make knowingly false or frivolous accusations, such as those made maliciously or recklessly will be subject to discipline up to and including termination.

### **Protection From Retaliation**

The County will not retaliate against anyone for reporting or complaining about unlawful harassment or discrimination in good faith, or for participating in an investigation of alleged harassment, nor will it tolerate retaliation by supervisors, managers, co-workers, or anyone else. Discrimination or retaliation against any other individual who participates in the investigation of a complaint will likewise not be tolerated.

## **Employee Discipline Policy**

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The purpose of this policy is to set forth in the County's policy on administering discipline for unsatisfactory conduct in the work place. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future. We ask for your full cooperation in meeting your responsibilities so that we can continue to maintain the positive, constructive atmosphere that has made the County the successful operation that we now enjoy.

It is important to note that every employee of the County is expected to act in a professional manner and meet work performance standards. Such behavior enhances the quality of the work environment. Out of necessity employees must conform to certain rules of conduct. Therefore, disciplinary measures must be applied when, through carelessness or deliberate intent, these rules are violated.

Employees who fail to comply with the County's rules or federal, state or local rules/regulations may be disciplined, up to and including termination, at the sole discretion of the County. The following is a partial list of behaviors which may lead to such discipline and/or termination:

An employee may be subject to discipline for any of the following but not limited to the following:

- Insubordination;
- Inability to perform duties
- Chronic or excessive absenteeism or lateness
- Conviction of a crime or disorderly persons offense
- Conduct unbecoming a public employee
- Neglect of duty
- Misuse of public property, including motor vehicles
- Discrimination that affects equal employment opportunity including sexual harassment
- Violation of Federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies
- Violation of New Jersey residency requirements as set forth in P.L. 2011, c. 70;
- Failure to report absences
- Unscheduled absence
- Abuse of accrued benefit time such as, chronic, excessive or patterned absence or repeated failure to report to work on a day or days prior to or following a vacation, holiday or any other unauthorized day of absence.
- Violation of County policies regarding harassment and discrimination theft or attempted theft of property belonging, but not limited, to the County, fellow employees, volunteers or visitors or others.
- Falsification of public records, including attendance and other personnel records
- Engaging in or failure to report physical altercations at any time while on County property

- Being under the influence of intoxicants (e.g., alcohol) or illegal drugs on County property and at any time during work hours
- Possession, sale, transfer or use of intoxicants or illegal drugs on County property and at any time during work hours
- Entering the building without prior authorization during non-scheduled work hours
- For-Profit soliciting on County premises *during employee's working time*. This includes but is not limited to distribution of literature or products and/or sales of products, such as those from Avon, Amway, etc. **Working time** shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the County. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.
- Soliciting membership in fraternal, religious, social or political organizations during employee working time (as defined above).
- Deliberate destruction or damage to the County or a suppliers' property
- Sleeping on the job
- Carrying weapons of any kind on County premises and/or during work hours, unless carrying a weapon is a function of law enforcement job duties
- Violation of established safety and fire regulations
- Unauthorized absence from work area during working time such as roaming and/or loitering outside your work area during scheduled work hours
- Defacing walls, bulletin boards or any other County or supplier property
- Unauthorized disclosure of confidential County information (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) regarding employees or the public which you may come in contact with during the course of your employment.
- Gambling on County premises
- Horseplay, disorderly conduct and use of abusive and/or obscene language on County premises
- Threatening, intimidating, coercing, or otherwise interfering with the job performance of fellow employees or visitors
- Violation of any County rules, policies, procedures and regulations
- Abuse of the County phone system
- Accepting offers of tips for services rendered
- Unauthorized use of County computers, Internet, and email in violation of the County's Computer Use, Electronic Mail and Internet Policy
- Violation of any of the policies set forth in this Manual and
- Other sufficient cause not enumerated above

### **Disciplinary Process**

In cases of employee misconduct, the County believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of such behavior. Employees who receive discipline that is based on behavioral issues may be referred to the County's Employee Assistance Program if the County deems appropriate. The County EAP may have the discretion to recommend a course of corrective training or counseling which may, at the County's

discretion be considered as a mitigating factor in the determination of any discipline the employee may receive.

Major disciplinary action includes termination, disciplinary demotion, suspension or alternate sanction fine exceeding five (5) working days.

Minor discipline includes a formal written reprimand, suspension or alternate sanction fine of five (5) working days or less.

Employees who object to the terms or conditions of the discipline may be entitled to a hearing under the applicable grievance procedure and Civil Service procedure or in accordance with any respective collective bargaining agreement for covered employees.

In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing and to state the situation from their point of view.

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

**NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED AS TO CREATE A CONTRACT FOR EMPLOYMENT OR EFFECT IN ANYWAY THE AT-WILL STATUS OF EMPLOYMENT.**

**This policy is written not to conflict with the collective bargaining agreement between the County of Passaic and its unionized employees. If there is a conflict between this policy and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.**

## **Grievance Policy**

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

- **Step One:** Any employee or group of employees with a grievance shall communicate their grievance to their supervisor or Department Head who will discuss the matter with the Director of Personnel and/or the County Administrator. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Director of Personnel detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting the Director of Personnel and County Counsel as appropriate, the County Administrator or hearing officer will render a written decision to the employee within five (5) working days after the Director of Personnel received the written grievance.

The above referenced grievance procedures do not apply to employee complaints made under the General Anti-Harassment/Discrimination Policy and the Anti-Retaliation Policy.

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

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The Director of Personnel shall maintain the official personnel file for each employee. Personnel files are treated as confidential records that must be secured in the Personnel Office and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records are protected from unauthorized access. Any employee may review their file in the presence of Personnel Department staff upon reasonable written notice.

**CODE OF ETHICS FOR OFFICERS AND EMPLOYEES UNDER  
THE JURISDICTION OF THE PASSAIC COUNTY ETHICS BOARD**

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The County of Passaic has created an Ethics Board which has adopted the following Ethics Code which contains certain provisions that are more restrictive than those established under the Local Government Ethics Law.

**I. Passaic County Ethics Board Declaration**

The Ethics Board finds and declares that:

- a. Public office and employment are a public trust;
- b. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- d. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and
- e. It is the purpose of this Code to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for county officers and employees shall be clear, consistent, uniform in their application, and enforceable on a county wide basis, and to provide county officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

**II. Definitions**

"Board", when used in its capitalized form, means the Passaic County Board of Ethics.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

"County" means the County of Passaic or any agency thereof.

"Governing body" means the Board of Chosen Freeholders.

"Financial interest" or "interest" (when it appears in the singular and is not modified by the words "property" or "personal") means either the ownership or control of more than 5% of the profits, assets or stock of a business corporation or the ownership or control of the profits, assets or stock of a business corporation having a market value of \$10,000 or more, whichever

represents the lesser value. Financial interest shall not, however, include the control of assets in a non-profit entity or labor union.

"Agency" means any board, including but not limited to the Board of Social Services, and similarly situated boards, (but specifically excluding the County College Board or any board specifically within the jurisdiction of the Local Finance Board) agency, governing body, including the chief executive officer, bureau, division, office, commission or other governmental instrumentality within the authority of the County of Passaic, or which the County, in whole or in part, controls or contributes to their finances, and/or any independent authority created by or appointed under the authority of the County of Passaic, which performs, functions other than of a purely advisory nature, excluding, however, any entity created by the County of Passaic and one, or more than one, other county.

"Employee" means any person, whether compensated or not, whether part-time or full-time, employed by the County or serving on a County agency who is not a County officer, but shall not mean any employee of a school district.

"Officer" means any person whether compensated or not, whether part-time or full-time: (1) elected to any office of a County agency; (2) serving on a County agency; (3) who is a member of an independent county or regional authority; or (4) who is a managerial executive or confidential employee of the County or of a County agency, as defined in section 3 of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-3), but shall not mean any employee of a school district or member of a school board.

"Member of the family" or "family" means the spouse, child, sibling, parent, grandparent, aunt, uncle, first cousin, in-law or members of the household of an officer or employee.

"Member of immediate family" means the spouse or dependent child of a county officer or employee residing in the same household.

"Local Finance Board" shall mean the Local Finance Board in the Division of Local Government Services in the State of New Jersey Department of Community Affairs.

"Substantial", when used to modify the words "benefit" and "involvement", shall mean that level of benefit received or to be received, directly or indirectly, as a result of a county employee's or county officer's vote or participation in a decision and/or that level of personal involvement with an outside business organization, legal entity, or individual seeking a contract, determination, or thing of value from the county by a county employee or county officer which might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties.

With respect to Section V, Financial Disclosure Statement, the terms and definitions set forth in N.J.S.A. 40A:9-22.3 are applicable and are incorporated as though set forth in full herein.

### **III. Passaic County Ethics Board: Jurisdiction**

The Passaic County Ethics Board shall have jurisdiction to govern and guide the conduct of county government officers or employees regarding violations of the provisions of this code. County government officers or employees serving a county agency shall be under the jurisdiction of the board. The board in interpreting and applying the provisions of this act shall recognize that under the principles of democracy, public officers and employees cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officers and employees have a right to private interests of a personal, financial and economic nature; and that standards of conduct shall distinguish between those conflicts of interest which are legitimate and unavoidable in a free society and those conflicts of interest which are prejudicial and material and are, therefore, corruptive of democracy and free society.

### **IV. Ethical Standards for County Officers and Employees**

County officers or employees shall comply with the following provisions:

#### **A. General Prohibitions and General Precepts**

a. No County officer or employee or member of his/her family shall have an interest in a business organization or engage in any business transaction or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest.

b. No independent county authority shall, for a period of two years next subsequent to the termination of office of a member of that authority:

(1) award any contract which is not publicly bid to a former member of that authority;

(2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

(3) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

c. No county government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.

As an example, and with no intent to limit the scope or meaning of this prohibition, no county officer or employee shall demand, solicit, or request that any individual, business entity, and/or non-profit organization that is seeking a contract with the county or county agency make or give any payment, gift, favor, loan, service, promise of future, employment or other thing of value, not set forth in the contract, to any individual, business entity, county officer, employee or agency.

d. No county government officer or employee shall act in his official capacity in any matter where he, a member of his family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

e. No county officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties.

f. No county officer or employee, member of his/her family, or business organization in which he/she has an interest shall solicit or accept or arrange or be involved with the solicitation or acceptance of, any gift, favor, loan, political contribution, service, promise of future employment or other thing of value for his/her benefit or for the benefit of another based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or indirectly, and/or for the purpose of influencing another county officer or employee, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his/her official duties.

g. No county officer or employee shall use, or allow to be used, his/her public office or employment, or any information, not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his/her office or employment, for the purpose of securing, financial gain for himself or herself, any member of his/her family, or any organization in which he/she is serving as officer, director, trustee, general partner or employee or in which he/she or his/her family has a financial interest or for any business organization with which he/she is associated.

h. No county officer or employee or business organization in which he/she has an interest shall represent any person or party other than the county government in connection with any cause, proceeding, application or other matter pending before any agency in the county government in which he/she serves. This provision shall not be deemed to prohibit one county government employee from representing another where the county government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

i. No county officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

j. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his/her family, whether directly or, indirectly, in return therefore.

k. Nothing shall prohibit any county officer or employee, or members of his immediate family, from representing himself or herself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

l. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the payment of money to a business entity, non-profit organization, political organization, or individual which employs said County officer or employee or which employs a member of his or her family.

m. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the payment of money or other thing of value to the County officer or employee casting the vote, or to a member of the County officer's or employee's family.

n. No County officer or employee shall vote or personally participate in the decision on any County measure, which would, if approved, result in the direct benefit to a business entity or non-profit organization in which he/she or his/her family has a financial interest or holds a position as an officer or trustee or has a personal involvement that might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties.

o. When awarding a contract exempted by the New Jersey Statutes from bidding requirements, no County officer or employee shall authorize or vote on the letting of such contract with any business entity, non-profit organization, government agency, or individual which employs him/her, or in which he or she has a financial interest, or which provides a substantial benefit to that individual or to his/her family.

p. No County officer or employee shall negotiate a contract, participate in meetings to negotiate a contract, or be a party to a contract with any County policymaking group, department, bureau, office or program on behalf of any business entity, non-profit corporation, governmental agency, union, or individual which employs him/her or which provides a benefit to that individual or his/her family, or in which he/she has a financial or property interest.

q. No county officer or employee shall participate personally as an officer or employee in a judicial, administrative or other proceeding, application, request for a ruling or other determination on a contract, request for a contract, claim, controversy, charge, accusation, investigation, arrest, or other particular matter (herein, collectively referred to as "matter") in which he/she or, to his/her knowledge, his/her family, general partner, or organization in which he/she is serving as officer, director, trustee, general partner or employee, or involves a situation where his/her family, general partner or organization (in which he/she is serving as an officer, director, trustee, general partner, or employee) has a financial interest, property interest or substantial personal interest or is representing a party.

r. No county officer or employee where his/her official duties and responsibilities are involved shall knowingly participate in a county matter where he/she has a "financial interest" or involving a business organization in which he/she or a family member has a "financial interest", or participate in a county matter where he/she should have known of the involvement of a family member in which he/she or the family member has a "financial interest."

s. No county officer or employee shall vote or personally participate in the decision on any measure which would, if approved, result in:

- (a) the appointment of a member of his or her family to a County government position;

- (b) the use of county funds to improve, purchase, or authorize construction upon land(s), or land(s) which abut land or which are within 200 feet of land, in which the county officer or employee has a property interest.

B. Duty to Disclose Prior Relationship

Any County officer or member of a County agency is charged with the affirmative duty of public disclosure of his/her business or personal relationship that might reasonably be expected to impair his/her objectivity or prejudice his/her independence of judgment in the exercise of his/her official duties with any person who appears, makes application before, or is considered for employment or appointment by that officer or agency. Thereafter, he/she shall abstain from any vote on the matter pending.

C. Post-Employment Restrictions

1. The county shall not allow a former county employee or former county officer, or a partnership, firm or corporation in which said former county employee or former county officer has a financial interest, to represent any person, party, or organization, other than the State, before or against that county agency with whom said former employee or former officer was employed or had functioned officially on behalf of for a period of 2 years from the termination of the office or employment with the county of said former employee or former officer. This prohibition shall not apply to former secretarial or clerical county employees. This prohibition shall not apply to lawyers formerly employed by the County Prosecutors' Office. With respect to lawyers formerly employed by the County Prosecutors' Office, the County Prosecutor's office shall object to any such former lawyer making an appearance or representation after leaving his/her employment with the County Prosecutor's Office on any matter which he/she personally worked and/or supervised.

2. No county agency shall award or enter into a contract which is not publicly bid with a former county employee or officer who was employed or had functioned officially on behalf of said county agency or with a partnership, firm or corporation in which said former county employee or former county officer is employed or has a financial interest, nor any partner, officer, or employee of any such partnership, firm, or corporation for a period of 2 years from the termination of said officer's or employee's office or employment with the county. This prohibition shall not apply to secretarial or clerical county employees.

3. Exceptions to these Post-Employment Restrictions may be permitted by prior application of the County Agency to the Board for an advisory opinion, in situations where the County Agency deems the former employee or officer to have special expertise not otherwise readily available, in cases of hardship, when the appearance of a conflict is substantially outweighed by legitimate circumstances, or when other circumstances warrant such an exception.

D. Use of Government Property

- a. No officer or employee should utilize County materials or facilities for any substantial

personal purpose. Mailings at County expense should be made in conformance with the following guidelines:

- (1) Informational mailings should be used only when they further the official business of the County.
- (2) The use of County mailings in whole or in part for personal reasons unrelated to official business, or to seek financial or political support or other unfair advantage, is prohibited.
- (3) Descriptions and/or announcements of County services or County events may go out in several ways:
  - (i) unsigned material; e.g., fliers in the name of the entire agency;
  - (ii) a non-partisan letter by a County officer with specific responsibility for an area;
  - (iii) a non-partisan letter by the director, chairperson, or head of any County agency.

#### E. Political Activity

a. No County officer or employee shall make either directly or indirectly or through any political organization any threats or intimidations to any County employee relating to his or her employment with the County for the purpose of receiving political contributions.

b. The County shall prohibit the receipt of political contributions at any building or room occupied for the discharge of official County related business.

#### V. Financial Disclosure Statement

In accordance with N.J.S.A. 40A:9-22.6, all officers shall annually file a financial disclosure statement. All financial disclosure statements shall include the following information which shall specify, where applicable, the name and address of each source-and the officer's job title:

- (1) Each source of income, earned or unearned, exceeding \$2,000.00 received by the officer or a member of his/her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the officer or member of his/her immediate family has an interest in the business organization;
- (2) Each source of fees and honoraria having an aggregate amount exceeding \$250.00 from any single source for personal appearances, speeches or writings received by the officer or a member of his/her immediate family during the preceding calendar year;

- (3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400.00 from any single source, excluding relatives, received by the officer or a member of his/her immediate family during the preceding calendar year;
- (4) The name and address of all business organizations in which the officer or a member of his/her immediate family had an interest during the preceding calendar year; and
- (5) The address and brief description of all real property in the State in which the officer, or a member of his/her immediate family held an interest during the preceding calendar year.

b. The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. The Local Finance Board shall transmit sufficient copies of the forms to the Board for filing in accordance with this act. The Board shall make the forms available to the officers. The original statement shall be filed with the county clerk. A copy of the statement shall be filed with the Board. Officers shall file the initial financial disclosure statement within ninety (90) days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year.

c. All financial disclosure statements filed shall be public records.

## **VI. Duties and Powers of Board of Ethics**

A. The Ethics Board shall have the following powers under N.J.S.A. 40A:9 - 22:

- a. To initiate, receive, hear and review complaints and hold hearings with regards to possible violations of the County's Code of Ethics or financial disclosure requirements by officers or employees serving the County;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to the Board's investigation of any complaint or the holding of a hearing;
- c. To forward to the County Prosecutor or the Attorney General, or other governmental body any information concerning violations of the County's Code of Ethics or financial disclosure requirements by officers or employees serving the County which may become the subject of criminal prosecution or may warrant the institution of other legal proceedings by the Attorney General;
- d. To render advisory opinions to officers or employees serving the County as to whether a given set of facts and circumstances would constitute a violation of any provisions of the County's Code of Ethics or financial disclosure requirements;
- e. To enforce the provisions of the County's Code of Ethics and financial disclosure requirements with regard to officers or employees serving the County and to impose penalties for the violation thereof as are authorized by the Local Government Ethics Law; and
- f. To adopt rules and regulations and do such other things as are necessary to implement the purposes of the Local Government Ethics Law and this Code.

## **VII. Advisory Opinions of Ethics Board**

A county government officer or employee may request and obtain from the Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the provisions of this code. Advisory opinions of the board shall not be made public, except when the board by the vote of two-thirds of all of its members directs that the opinion be made public. Public advisory opinions shall not disclose the name of the local government officer or employee unless the board in directing that the opinion be made public so determines.

## **VIII. Investigation; Hearings; Disciplinary Action; Violations**

### **A. Complaints To Board; Notice; Hearing; Decision**

The Board, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee is in conflict with the provisions of this Code, shall acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee against whom the complaint was filed. Otherwise the Board shall notify the officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he/she wishes. Thereafter, if the Board determines that a reasonable doubt exists as to whether the officer of employee is in conflict with the provisions of this Code, the Board shall conduct a hearing in the manner prescribed in this Code, concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the provisions of this Code. This decision shall be made by no less than two-thirds of all members of the Board. If the Board determines that the officer or employee is in conflict with the provisions of this Code, it may impose any penalties which it believes appropriate within the limitations of this Code. A final decision of the Board may be appealed to the Local Finance Board within 30 days of the decision.

### **B. Penalties**

1. Any appointed county officer or employee found guilty by the Board of the violation of any provision of this Code of Ethics, shall be fined not less than \$ 100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.A. 2A:58-12 et seq.). The Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.

2. An elected county officer or employee found guilty by the Board of the violation of any provision of this Code of Ethics, shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law' (N.J.S.A. 2A:58-12 et seq.).

C. Disciplinary Action

The finding by the Board that an appointed county officer or employee is guilty of the violation of the provision of this Code of Ethics, shall be sufficient cause for his/her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this Code of Ethics, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

D. Rules And Procedures Applicable To Hearings

1. All hearings required pursuant to this Code shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a State agency in contested cases under the "Administrative Procedure Act," P.L. 1968, c. 410 (C.52:14B-1 et seq.).

2. It shall not be a defense that the alleged violator did not know of the specific section involved.

**IX. Preservation of Records**

All statements, complaints, requests or other written materials filed pursuant to this Code, and any ruling, opinions, judgments, transcripts or other official papers prepared pursuant to this Code shall be preserved for a period of at least five years from the date of filing or preparation, as the case may be.

## **Political Activity**

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Employees have the same right as any other citizen to join political organizations and participate in political activities as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using County time, supplies or equipment in any political activity. Any violation of this policy must be reported to the employee's Department Head or to the Director of Personnel.

No County officer or 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 purposes of receiving political contributions.

- The County will strictly prohibit the receipt of political contributions in any building or room occupied for the discharge of official County-related business.

No employee in the career or senior executive service 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.

No employee in the career, senior executive or unclassified services 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:

- Be a candidate for public office in a partisan election.
  - This provision does not apply to the Governor, the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;
- Use official authority or influence that interferes with or affects the results of an election or a nomination for office; or
- Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

### **Resignation Policy:**

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An employee who intends to resign or retire should notify their supervisor as soon as possible. County Division and Department Heads are required to submit a resignation letter in writing setting forth their proposed last day of work. After giving notice of resignation, employees are expected to assist their supervisor and co-workers by providing information concerning their current projects and help in the training of a replacement. During the last two (2) weeks of employment, the employee may not use paid time off except paid holidays.

Upon separation, the Department Head will prepare a Personal Action Form showing any pay or other money owed the employee. The employee's Department Head or Director of Personnel will conduct a confidential exit interview which will include but not be limited to return of employee identification card and all County-owned keys and equipment in the employee's possession.

A COBRA notification letter will be sent to the employee's home address.

With regard to resignations, additional provisions may apply to Civil Service employees regarding qualifying events, terms, and conditions of resignations.

## SECTION TWO

### Workplace Policies

#### Employee Classification

##### Civil Service Employees:

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The County is a participant in the State of New Jersey Civil Service Commission. The New Jersey Civil Service Commission was designed to minimize the effect of politics on the functioning of government so that there would be continuity in government, no matter what party was in power at any given time. Having subscribed to the New Jersey Civil Service Commission, the County may not, under penalty of law, violate the provisions thereof. New Jersey Civil Service Commission has several classifications of employees and how the statutes affect each employee.

**Classified Status** – This means that an employee has passed a New Jersey Civil Service exam for the position that he holds, and is considered a “permanent” employee.

**Provisional Status** – Where there is no New Jersey Civil Service Commission list for a particular position, an employer may appoint an individual to a classified position, pending an examination. Once the examination has been given and a list has been promulgated, the employer must appoint someone from that list. The provisional may be appointed provided:

- a. The provisional is on the list.
- b. The provisional ranks in the top three interested parties, and
- c. No disabled veteran or veteran precedes the provisional on the list as an interested party.

It is important to note all veterans have absolute preference in entry-level open competitive exams and automatically go to the top of the list. In promotional exams, a veteran cannot be bypassed on a list once his name is reached and s/he has expressed an interest in the promotion. However, a non-veteran proceeding veterans within the first three (3) names on the list on a promotional list may be appointed before the veteran.

**Unclassified Status** - This category includes all elected officials, all appointments outlined in the state constitution, and a limited number of Department Heads, whose number are determined by the population of the County. It also includes all appointments made in the judicial system.

## **General Employee Classification**

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### **Full-Time Employees:**

Employees whose standard work week is 35 hours or more. Full-time employees are eligible for County-sponsored benefits in accordance with the County's Benefits Policy.

### **Part-Time Employees:**

Employees whose standard work week is between 24-32 hours. Part-time employees are eligible for County-sponsored benefits in accordance with the County's Benefits Policy.

### **Temporary Employees:**

From time to time, the County may hire employees for specific periods of time or for the completion of a specific project, generally of six months duration or less including, but not limited to seasonal and interim employees. Individuals hired under such conditions will be considered temporary employees. Temporary employees are not eligible for County-sponsored benefits except to the extent required by law.

At the time of hire, promotion or transfer, employees are classified as full-time, part-time or temporary and classified or unclassified. In addition, employees are classified as either non-exempt or exempt. If you are unsure which recognized classifications your position fits into, please ask the County Department of Personnel.

### **Per Diem Employees:**

Per Diem employees are employees who work 19 hours or less. Per Diem employees are not entitled to County-sponsored benefits except to the extent required by law.

## **Exempt and Non-Exempt Employees:**

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All employees are classified as either "exempt" or "non-exempt".

### **Non-Exempt Employees:**

Employees in non-exempt positions are entitled to overtime pay in accordance with applicable law, which typically is at a rate of one and one-half (1½) times their base rate of pay for hours worked in excess of forty (40) hours per workweek. Non-exempt employees will be paid at a rate of two times their base hourly rate if they are required to work on a scheduled holiday. Recognized holiday hours and approved vacation will be included in total hours for the purpose of calculating hours worked in a workweek for overtime purposes; however, vacation, personal and other paid time off will not be included. Different provisions may apply for County employees working at County 24 hour facilities.

All non-exempt employees must keep track of their time. The County utilizes a “hand scan” time clock system for recording an employee’s hours of work. Each employee will be advised of the time clock procedures at the time the employee is programmed into the system and will be given a 4 or 5 digit code for access. Employees will generally be assigned to the hand-scan system closest to their work station but, at the discretion of the Department Head, employees may be assigned to any specific time clock.

All non-exempt employees log their work hours using the “hand scan” system at least four times daily: at the commencement of work; at lunch; upon return from lunch and at the end of the workday. All drivers must maintain written timesheets whenever needed, which must be signed and submitted to their supervisor on a weekly basis.

You are obligated to notify your Department Head/Supervisor immediately if you are having difficulties using the time clock system as failure to follow the time clock procedures may result in disciplinary action. The County will accommodate employees who may have special needs that may prevent or limit the employees’ ability to follow the time clock procedures. All employees are required to use the time clock system unless excused by the County Administrator.

The County time clock system identifies instances when employees fail to work a full scheduled day. In such instances, the employee may be disciplined for failure to meet time and attendance policies of the County. For non-exempt employees, such discipline may include, but is not limited to, a reduction of the employee’s wages to account for time not actually worked.

Non-exempt employees must not begin work before their scheduled starting time or work beyond their scheduled check-out time, unless overtime has been specifically authorized in advance by their supervisor. No employee may enter another employee’s time for any reason. If you forget to swipe or fill out your time card/sheet, bring this to the attention of your supervisor immediately.

Employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head. Employees working overtime without obtaining prior approval from the Department Head (or the County Administrator as appropriate) will be subject to disciplinary action up to and including termination.

Employees will also receive additional compensation at the rate of one (1) hour, based on their regular hourly rate, for every hour worked between 35 and 40 hours in a workweek. If a non-exempt employee works on Sunday or a paid holiday for which the employee is not regularly scheduled to work, the employee will receive overtime compensation at a rate of 2 hour(s) for each hour worked. If a non-exempt employee, not on regular call-out duty, is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation for either the actual number of hours worked or three hours (3), whichever is greater, at the rate of one and on-half (1 ½ ) hours for each hour worked.

Department Heads may choose to require that overtime compensation be paid in lieu of overtime pay to applicable employees in the form of overtime pay based on their regular hourly rate at a

rate of one and one-half hours of compensatory time off (“Comp Time”) for every hour worked in excess of 40 hours in a workweek. The maximum number of hours that an employee may accrue for future compensatory time off is determined by the Department Head. However, no more than 240 hours may be accrued for civilian employees or 480 hours if an employee works in a public safety activity may be accrued according to law. Compensatory time must be used within a 90-day period once earned unless the employee’s Department Head or supervisor is unable to grant the use of Comp Time due to staffing and scheduling needs. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Overtime and Comp Time that is accrued and taken must be noted on the employee’s time sheet.

Employees must make a request to their supervisor at least two (2) days in advance when they want to utilize a full day of Comp Time. The supervisor will approve the request so long as the absence does not cause undue hardship to the operations of the applicable department.

**Exempt Employees:**

Exempt employees are not entitled to overtime pay. An exempt employee is expected, by the nature of his/her position, to complete the job responsibilities regardless of the constraints of a standard work week.

## **Attendance Policy**

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The County recognizes the importance of planning our daily activities, whether they concern our personal lives or our lives within the workplace. Therefore, it is important that all employees know what their scheduled work hours are, and realize how important it is that we have a full team that can be depended on, day in and day out, to provide quality service to our customers.

Absenteeism and tardiness can have a direct effect on our ability to do this. Absenteeism and tardiness also place an additional burden on your coworkers, and thus, may negatively influence the safe and productive environment that we are trying to maintain.

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval.

### **Work Hours**

The normal working hours for administrative departments is 8:30 a.m. to 4:30 p.m. with lunch and breaks as set forth below. The working hours for other departments are established by departmental procedures and collective bargaining agreements.

Non-union personnel are entitled to a one-hour lunch period that is to be arranged by the supervisor so that offices continue to function. All other employees are entitled to lunch and break periods as specified by the departmental procedures and/or the applicable collective bargaining agreement. Lunch and breaks will be scheduled at the discretion of the Department Heads/Supervisor so that all office operations continue to function.

### **Timekeeping For Non-Exempt Employees**

Governing law requires the County to maintain attendance records for all non-exempt personnel. Your hours worked are recorded through a “hand scan” time clock system. Each non-exempt employee must record his/her time (or otherwise notify his/her supervisor) at least four times daily as follows:

1. When you report to work.
2. When you leave for lunch.
3. When you return from lunch.
4. When you leave work at the end of the day.

If you arrive early, you should not begin work or sign/punch in earlier than 10 minutes prior to the start of your shift, unless directed by your supervisor. Similarly, without supervisor permission, you should not sign/punch out more than 10 minutes after the end of your scheduled shift.

Since your wages are computed directly from your time recording system, it is important that you observe the following:

1. Record your time only on the time clock or other device to which you are assigned.
2. Immediately notify your supervisor if you have difficulty in recording, or forget to record, your time.
3. Do not permit another employee to record your time for you and likewise, do not record another employee's time, even if that employee requests you to do so, as such conduct will result in discipline, up to and including termination.
4. Review the accuracy of your time records before submitting them to your supervisor for processing. If you need to make a change on your time record to correct an error, make the correction before you submit it for final processing. When you sign and submit your records, you are certifying that they are complete and that they accurately reflect all hours that you worked.

Any violation of the above time clock rules may result in discipline, up to and including termination.

### **Reporting An Absence, Late Arrival or Early Departure**

Each employee is expected to maintain regular and on-time attendance. In the instance when an employee cannot avoid being late to work, is unable to work as scheduled, or needs to depart early, the employee must, provide as much notice as possible, but certainly no less than one hour before their scheduled starting time, through the following procedure:

- 1) Notify your manager or supervisor by telephone. If the supervisor is not available, leave a message notifying him or her of the absence. You must then call back to speak directly with the supervisor or manager. Do not leave a message for your supervisor or manager with another employee. Call back if the manager or supervisor is still unavailable. Repeat this procedure for each day of your absence.
- 2) Give the reason for your absence, and the date of your probable return to work.

The County may, at its discretion, require a note from your health care provider.

Failure to call in and speak with your supervisor before your scheduled starting time or to report to work for three (3) consecutive scheduled work days may, at the County's discretion, result in termination and be considered a "voluntary quit."

### **Reporting Extended Absences; Return to Work**

In the case of an extended absence, an employee is required to keep the supervisor informed as to the expected date of his/her return to work. In addition, when an employee is absent for four (4) consecutive days or more, he/she must contact their supervisor one (1) day in advance of the expected return to work date to discuss the details of their return. For the employee to be allowed to return to work, he/she will be required to submit appropriate documentation from a health care provider. Unless the absence is covered by FMLA, the documentation must include: the date(s) the employee was seen by the health care provider; the dates the employee was incapacitated; what, if any, restrictions would prevent the employee from performing normal job functions (and if restrictions exist, the County, in its sole discretion, will determine if it has a job for that employee to perform); and whether the employee is taking any medication that would affect the employee's personal safety or the safety of fellow employees.

If the absence is covered by FMLA, the County will provide the proper form for your health care provider to complete.

Failure to call in pursuant to this provision and/or return to work on the scheduled day may, at the County's discretion, result in termination and will be deemed a "voluntary quit."

### **Discipline for Absenteeism, Tardiness and Early Departure**

Employees who call-in sick on a day immediately preceding or following vacation time must submit documentation from their physician to substantiate the need for sick time.

Tardiness is defined as not being at your work station, ready to work, at the assigned starting time or the assigned time to return to work from either breaks or meals.

Early departure is leaving earlier than your scheduled quitting time, or leaving for breaks or meals earlier than scheduled.

At the discretion of the County, three (3) or more incidents within a rolling six (6) month period by non-exempt employees may result in disciplinary action taken, up to and including discharge. An "incident" includes:

- a) Each period of consecutive absence from work, whether reported or unreported and regardless of duration;
- b) Two (2) incidents of tardiness in reporting for work, or returning to work after breaks or meals;
- c) Two (2) early departures from work; and/or
- d) A combination of one (1) tardiness and one (1) early departure.

However, an "incident" does not include any FMLA leave, any leave covered by a state family or medical leave law, military leave, or workers' compensation leave.

In addition, chronic, habitual or excessive absenteeism, tardiness or early departure, may result in disciplinary action, up to and including discharge.

Finally, the failure of an employee to give his/her supervisor timely notice of an absence, tardiness, or early departure will be treated as a separate violation of these attendance standards and may result in disciplinary action, up to and including discharge.

**This policy is written not to conflict with the collective bargaining agreement between the County of Passaic and its unionized employees. If there is a conflict between this policy and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.**

## **Payroll Policy**

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Non-union salaries will be determined by the Board of Chosen Freeholders. The County will not accept responsibility for any employee's personal finances. The County will acknowledge judgments against an employee's pay and will garnish wages as ordered, but will not act as a mediator between the employee and creditors.

### **Payroll Information / Pay Method**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal and break period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. Hours worked must be submitted to, and approved by, the supervisor prior to processing in accordance with established procedures.

Altering, falsifying, tampering with time records, or recording time on another employee's time record is strictly prohibited and may result in disciplinary action, up to and including termination of employment.

Employees are paid in accordance with applicable state law, which generally means that non-exempt employees are paid every other Wednesday for all hours worked in the previous 2 weeks and exempt employees are also typically be paid every other Wednesday. If, however, a payday falls on a holiday, the payment will be issued on the day proceeding the holiday, whenever possible. Payment shall be in the form of check or direct deposit into the employee's bank account.

Upon receipt of your pay statement, please examine it promptly. In the event you have received an overpayment or underpayment, you must immediately notify the Payroll Department

Under no circumstances will an employee's paycheck be given to any other person, including relatives, without written permission from the employee and a confirmation telephone call.

### **Payroll Deductions**

With the exception of federal, state, local and social security taxes, and health care premiums, no deductions will be made without written authorization of the employee, unless required or allowed by law.

In addition, the County makes available certain voluntary deductions as part of the County's benefits program. The employee's share of the benefit payment will be deducted each pay

period. Employees who elect to have voluntary deductions taken from their pay must complete the appropriate authorization form. If the employee is not receiving a payroll check due to an approved absence, he or she will still be required to pay their share of the cost to the County.

All employees are required to make contributions towards the cost of health care premiums pursuant to Chapter 78, P.L. 2011.

## **Lactation Break Policy**

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### **Eligible Employees**

All nonexempt employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk for up to one year after the birth of the employee's child. The County encourages all eligible employees who intend to take breaks under this policy to notify Department of Personnel of their intent, for example when they are discussing their return to work following leave relating to childbirth.

### **Lactation Breaks**

Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child. Eligible employees should notify their Department Head of the frequency, timing and duration of lactation breaks they need to take.

Please contact the Department of Personnel for information about the designated location for lactation breaks in closest proximity to your work area.

### **Compensation during Breaks**

Lactation breaks under this policy are unpaid. However, employees who use meal or lunch or other break time to express breast milk should let your Department Head know and will be compensated in accordance with the County's policy on meal or rest breaks.

Employees who are required to record time under the County's timekeeping policy must accurately record the start and end of lactation breaks in accordance with the County's "hand scan" time clock system both in and out for their lactation breaks in accordance with the County's timekeeping policy.

Uninterrupted lactation breaks do not count as hours worked.

Employees may begin work before the regularly scheduled start of their shift or continue working past the regularly scheduled end of their shift to make up any time used for lactation breaks. Employees who choose to do this should speak with their Department Head in advance to make appropriate arrangements.

Exempt employees may be provided break time in accordance with the procedures of this policy with pay when necessary to comply with state and federal wage and hour laws.

### **Administration of this Policy**

The Department of Personnel is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about lactation breaks that are not addressed in this policy, please contact the County Department of Personnel.

### **Complaint Procedure**

If you are subjected to any conduct that you believe violates this policy, you should promptly speak to, write or otherwise contact Department of Personnel, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate. Although not mandatory, a Complaint Form is available from the Department of Personnel to make your complaint if you wish to use it.

### **No Retaliation**

The County expressly prohibits any form of discipline, reprisal, intimidation, retaliation or discrimination against any individual for requesting or taking lactation breaks, or filing a complaint for violations of this policy, the Fair Labor Standards Act or applicable state or local law.

The County is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint. However, the effectiveness of our efforts depends largely on individuals telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately to the Department of Personnel. If employees do not report retaliatory conduct, the County may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

For more information on the County's policy prohibiting retaliation, see the County's Anti-retaliation Policy.

### **Employees Covered under a Collective Bargaining Agreement**

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

## **Anti-Retaliation Policy**

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It is the intent of the County to adhere to all federal, state and local laws and regulations that apply to the County, many of which are reflected in the County's internal rules, policies and procedures, and the underlying purpose of this Policy is to support the County's goal of legal compliance. The support of all employees is necessary to achieving compliance with various laws and regulations. To that end, the County encourages all employees to report wrongful, fraudulent or illegal workplace activities, policies or practices or governmental mismanagement or abuse of authority.

Employees are expected and encouraged to bring any such conduct or activity to the County's attention, and to provide management with a reasonable opportunity to investigate and correct the alleged unlawful activity. The County strictly prohibits retaliation in relation to such reporting activity. Similarly, the County strictly prohibits retaliation against employees based on the employee's permissible political activities or affiliations.

A Notice regarding rights and obligations regarding retaliation pursuant to New Jersey's Conscientious Employee Protection Act ("CEPA") is posted within each County work location. If you have questions regarding the particular location of the CEPA notice in your particular workplace location, please contact your immediate supervisor.

Any complaints regarding retaliation are to be directed to the Director of Personnel.

## **Inclement Weather Policy**

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The County's policy is to close only when the Governor of the State declares a State of Emergency, which specifically includes a ban on travel. If an employee chooses not to report to work due to weather conditions, a full vacation day, personal or compensatory time will be charged. Sick time will only be charged for a legitimate illness with documentation. This provision does not apply to the County Essential Personnel as defined within this policy, who may be required to assist during an emergency.

### **Purpose**

To establish a policy and procedure governing work attendance during extreme weather conditions or other general emergencies to provide for the safety of those employees scheduled to work.

### **Definitions**

#### **Extreme Weather Conditions**

Heavy snowfalls, ice storms or other extreme weather conditions causing very hazardous driving conditions or the flooding of roads and highways

#### **Other General Emergencies**

- Conditions at the place of employment of such a nature that work would be hazardous, extremely difficult or impossible. Examples of such conditions are loss of heat, fire, fumes, flooding, etc.
- Riots and civil disorders.

#### **Essential Personnel**

County employees who are responsible for the health or safety of the public, for the protection of County property or the property of the general public. The classification of such employees is further discussed below within *Procedure Governing the Classification of County Employees as Essential Personnel*. These employees may also commonly be referred to as "Emergency Personnel."

## **Storm or General Emergency Leave Policy**

### **County Facility Open**

All County employees are required to report to work at their regularly scheduled shifts unless notified that their particular shift has been canceled because of exceptional conditions. If an employee is unable to report to work, he must report the absence to his supervisor as soon as possible on the same day.

If the County facility remains open on an adverse weather day, employees who report to work will receive their normal pay for the day. If a non-exempt employee elects not to report to work on a facility open day, the employee can elect to use any accrued, unused

vacation or personal time for the missed day. If sick time is used for the missed day, medical documentation is required. Alternatively, the employee may choose/may be required to not be paid for the day.

Exempt employees who do not report for work on an open facility day will be required to use any available accrued paid time in such instances. In the event that an exempt employee is unable to report to work for the full day and has no remaining accrued paid time, the employee will not be paid for the day and thus, **shall perform absolutely no work of any kind during any such day.**

Regardless of whether the facility remains open or closed on an inclement day, it is each employee's decision to determine whether he or she can safely arrive at work under the conditions. If an employee elects not to work on a given day, the employee must call or e-mail his or her supervisor pursuant to the County's Attendance Policy.

### **County Facility Closed**

Workdays on which County government is officially closed for the entire day are considered regular workdays for payroll purposes. Employees on approved leave granted before the official closing shall be charged for that leave. Employees on disability, family leave, suspension or any other non-pay status will remain in this status for the day(s) the county is closed.

Essential personnel required to work will receive the rate of 1 and ½ time their regular rate of pay for the day. Employees who are not required to work will receive regular pay for the day of closure. Hourly or non-exempt employees will only be paid for hours actually worked. Hourly or non-exempt employees may opt to apply accrued, unused vacation or sick time to a day of closure

### **Exceptional Conditions**

In the event of extreme weather conditions or other general emergencies necessitating the closing of county departments and agencies, an announcement of this closing shall be posted on the County website ([www.passaiccountynj.org](http://www.passaiccountynj.org)) no later than 6:30 a.m. Additionally, announcements will be the following radio stations:

- WRNJ FM (1510 AM)
- WKXW (NJ 101.5 FM)
- WGHT (1500 AM)

### **Early Closing**

If extreme weather conditions or other general emergencies cause County departments or agencies to close before the end of the work shifts, all affected employees at work will receive time off work with pay, also entitled "storm or general emergency leave." No County department or agency shall be closed without the approval of the County Administrator, or, if he is not available, the

Freeholder Director or Deputy Director. The Office of the County Administrator will notify all departments and agencies of an early closing and announce a specific departure time.

### **Delayed Opening**

Specific weather conditions may result in a delayed opening. An announcement of the delay will be posted on the County website and made over the aforementioned radio stations between 6:30 and 8:30 a.m.

Individual departments should also create and utilize an emergency phone call listing to notify fellow employees. The time of the delayed opening is a benefit to provide for safer driving conditions for those employees coming to work. If any employee is absent on approved leave, with or without pay, whether previously approved or requested on the day of the delayed opening, that employee is to be charged for that time from the beginning of their normal workday.

Occasionally in emergency situations, individual employees may face special family situations (e.g. child care). Departments should be as flexible as possible when approving leave in these circumstances.

### **Employees Who Work Notwithstanding This Policy**

Except for Essential Personnel, all employees required by their supervisor to work, or are authorized to do so by their supervisor, even though their particular department or agency is closed under this Policy, shall be entitled to compensatory time off on a one hour-for-one hour basis, or by the overtime provisions of their collective bargaining contract, if covered by the same. Non-emergency employees who work without orders or authorization to do so when their department or agency is closed shall be subject to discipline up to and including termination.

### **Essential Personnel**

Essential personnel shall be required to report to work on their regular shifts, and at other times if ordered or requested to do so by their supervisors, notwithstanding the fact that County departments and agencies are closed under the provisions of this policy. Because of the nature of their work, they shall not be entitled to additional compensation as a result of this Policy.

### **Procedure Governing the Classification of County Employees as Essential Personnel**

- The following departments contain positions which meet the classification of Essential Personnel.
  - Buildings and Grounds
  - Emergency Management
  - Engineering
  - Health
  - Public Works- Roads
  - Preakness Health Care Center

- Parks and Recreation
- Sheriff (including jail and communications center)

The above list of departments should not be deemed to be exclusive. The County Administrator/Department Head shall determine which positions in each County Department shall meet the definition of Essential Personnel in accordance with this policy.

Any position in the above list of departments not classified as Essential by the respective Department Head shall be entitled to Storm or General Emergency Leave as provided by this policy. In addition, when certain employees are classified as Essential Personnel for only certain types of emergencies as defined by this policy, they shall be entitled to Storm or General Emergency Leave for all other emergency situations.

- Each County Department Head shall prepare a list of positions in his/hers department in which the incumbents should be classified as Essential Personnel. Such lists shall be submitted to the County Administrator on an annual basis. If no positions in a department are to be classified as Essential, the Department Head shall so inform the Administrator. The list of Essential positions or the statement that there are no such positions in a department shall not become official County policy without the signed approval of the Administrator.
- The Department Head shall notify the County Administrator if a new position is created meeting the Policy's definition of Essential Personnel. Likewise, the Department Head shall notify the Administrator if a position classified as Essential is abolished. The roster of Essential positions will be revised accordingly with the signed approval of the Administrator.
- Department heads may establish an on-call list in which the Essential assignment is rotated. Such action shall be reported to the County Administrator.
- County personnel should carry their official County Identification to identify their status as a County employee while traveling to work in the event it is necessary.

### **Exceptions**

Collective bargaining agreement provisions shall prevail where those contracts contain provisions that differ with this policy and procedure.

## **Official Policy for Use of County Vehicles (Non-Law Enforcement)**

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The County of Passaic owns and maintains a fleet of vehicles ("County Vehicles") that are used in furtherance of the business of the County. The following policy, adopted by the Passaic County Board of Chosen Freeholders, governs the use of all County Vehicles, with the exception of vehicles utilized for law enforcement purposes by the Sheriff's Department and Prosecutor's Office, and supersedes all other vehicle policies previously in effect.

Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the 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 their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

### **Driving Privileges and Licensure**

The use of a County Vehicle by a Passaic County employee is subject to the approval and discretion of the County Administrator. Any employee operating a County Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the County Insurance Department before an employee will be permitted to operate a County Vehicle.

- A. Employees are required to file a copy of a valid driver's license with the County Insurance Department prior to the use of a County Vehicle.
  - 1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
  - 2. Employees shall inform the Insurance Department within twenty-four (24) hours of any changes in the status of their driving privileges.
  - 3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate a County vehicle and 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 the use of a County vehicle while said employee's driving privileges were suspended or revoked.
- B. The County reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The County reserves the right to suspend an employee's County driving privileges if the County deems necessary based on the employee's driving record.
  2. The County shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.
- C. The County occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.
- D. If requested by the County Administrator or Human Resources Department, you hereby agree to consent to a simulated road test to determine your fitness to safely operate a vehicle.
- E. In the event that you are under the influence of any medication (prescribed or over-the-counter) that might impair your ability to safely operate a vehicle, you must refrain from driving until you notify the County Department of Personnel and await clearance to resume driving.

### **Official Use Only**

The use of County Vehicles is restricted to official County business only. Employees shall not be permitted to use County vehicles for travel or activity unrelated to County business. Likewise, no supervisor may authorize such use or any use of a County Vehicle for other than County business or use which is otherwise inconsistent with this policy.

County Vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of their employment. No employee shall authorize or permit any other non-county employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned County Vehicle unless said passengers are assisting in the official business of the County.

### **Location of Vehicles**

Employees who are assigned the regular use of a County Vehicle for official business may, with written permission of his/her Department Head, take the County Vehicle home at night and keep said vehicle at home while off duty.

- A. The Insurance Committee must be notified, in writing, when such permission is granted to an employee. If the employee will be absent from duty for more than two (2) working days, or more than five (5) consecutive days, including weekends and holidays, he/she must surrender the County vehicle to his/her direct supervisor unless directed otherwise.
- B. An employee storing the vehicle at his residence must provide safe parking for the vehicle at all times.

## **Commuting**

The use of a County Vehicle for driving to and from work is voluntary and does not entitle the employee to compensation or pay while engaged in that activity.

## **Accidents and Incidents**

Prior to operation of any County vehicle, employees must consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

- A. In the event of an incident or accident involving the use of a County Vehicle, employees must immediately contact their Supervisor/Department Head and County Administration. The Insurance Department must be notified within forty-eight (48) hours of any accident/incident or, in the event of a weekend or holiday, by 10:00 am the morning following the County's reopening for business. All required reports and documentation must be submitted to the Insurance Commission within two (2) business days of receipt.
- B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the County.

## **Citations and Violations**

Operators of County Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission.

- A. Drivers are responsible for paying any moving violation tickets and **MUST** notify the Insurance Committee of said violations within 48 hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court).
- B. Drivers are responsible for paying all parking tickets incurred. The Insurance Committee should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.
- C. Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZPass). Upon having been notified of said violation, either by direct mail or notice from the County, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the County that the outstanding toll and any related fees have been paid.

## **County Vehicle GPS Tracking Systems**

Passaic County may install GPS equipment into any County vehicle. The purpose for the installation and use of this equipment is to increase productivity and promote safety for County employees who are authorized to use County-owned vehicles in the course of their employment. Such GPS equipment is the sole and exclusive property of the County and is only to be utilized by employees in conjunction with the authorized use of vehicles in the course and scope of their employment.

This County-owned GPS equipment will also be used to track and monitor the employee's use of the vehicle. Accordingly, the County reserves the right to monitor the location of the assigned vehicle without notice, at any time, and any such data collected from the GPS equipment is the sole and exclusive property of the County to be used for any purpose. Similarly, the County reserves the right to review the manner and use of the GPS equipment and physically inspect the equipment at any time with or without notice.

Employees are expected, at all times, to respect the integrity of the GPS equipment, and to maintain the equipment in proper working condition. If an employee discovers or recognizes that the GPS equipment is not in proper working condition, it is the employee's responsibility to bring this fact to the attention of his or her supervisor immediately.

Employees are prohibited from intentionally disabling or manipulating the function, operation or location service of GPS equipment. In addition, the employee is also responsible for the gross negligence, willful or reckless mistreatment or destruction of the GPS equipment. Violations of this policy shall subject the employee to discipline up to and including termination. In addition to termination of employment, the County reserves the right to file a legal action seeking monetary damages for any and all harm or destruction to GPS equipment resulting from an employee's intentional, reckless or grossly negligent misuse or mistreatment of the GPS equipment.

**General Policies and Procedures** - Employees authorized to use a County Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

- A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
- B. Employees assigned exclusive use of a County Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance in order to maintain all manufacturers' warranties (including routine oil changes). Contact the County Motor Pool to arrange maintenance and repairs.

- C. Vehicles are to be kept clean at all times. Assigned vehicles should be washed and vacuumed at least once a month unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body.
- D. No smoking is allowed in County Vehicles at any time.
- E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving County Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.
- F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."
- G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.
- H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Violation of this policy may result in disciplinary action up to and including the suspension of my privilege to operate a County Vehicle and/or termination.

## **Telephone and Personal Communication Usage Policy**

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### **Land-line Telephones**

County telephones are for official business use only during working time. Charges for all other usage, including personal calls and unauthorized use of such devices, must be reimbursed to the County. **Working time** shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the County. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.

### **County-Issued Mobile Phones/Devices**

County-issued mobile devices may be issued to certain employees in the course of their employment with the County. Such County-issued devices are the sole and exclusive property of the County and are only to be utilized by employees in the course and scope of their employment during working time (any time in which the employee is engaged in or required to be performing work tasks for the County not to include times when employees are properly not engaged in performing work tasks, including break periods and meal times.) Employees will be charged for costs incurred due to their personal use of such devices.

Accordingly, the County reserves the right to monitor the use of the County-issued cell-phones without notice, at any time, and any such data collected from the mobile device equipment is the sole and exclusive property of the County to be used for any purpose. Similarly, the County reserves the right to review the manner and use of these mobile devices and physically inspect the equipment at any time with or without notice. Accordingly, the employee shall have **no reasonable expectation of privacy in any transmissions made or received using a County-issued mobile device.**

Employees are expected, at all times, to respect the integrity of the County-issued mobile devices and to maintain the equipment in proper working condition. If an employee discovers or recognizes that the mobile device is not in proper working condition, it is the employee's responsibility to bring this fact to the attention of his or her supervisor immediately.

Employees who will be out of the service area for an authorized business purpose must contact Administration office for application to be placed on roaming service.

Upon termination of employment or in the instance of an upgrade to the employee's phone or service, the employee must return the County-issued device to the Administration Office.

### **Prohibited Use of Personal Communication Devices**

To alleviate distraction and disruption of regular work routines, personal communication devices are strictly prohibited from use during working time (any time in which the employee is engaged in or required to be performing work tasks for the County not to include times when employees are properly not engaged in performing work tasks, including break periods and meal times.) while in work areas, except where the County has provided such device(s) to employees for

business use, or in case of an emergency (such as illness, accident, and calls of a similar emergent nature).

Employees are prohibited from using their personal communication device to copy and/or upload any, confidential information (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure). Employees must make reasonable efforts to obtain supervisor approval prior to making emergency calls during working time. Personal communication devices are defined as, but not limited to, cellular or two-way phones, text-messaging devices, iPhones, Android-enabled devices, BlackBerrys and pagers.

### **Other Personal Electronic Devices**

Employees are not permitted to utilize electronic devices such as personal laptops, game systems, MP3 players, portable DVD players or any other type of personal entertainment systems while at work. Violation of this policy may subject an employee to disciplinary action up to and including termination.

## **Computer Use, Electronic Mail and Internet Policy**

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County e-mail, voicemail, computer systems and Internet service are for official County business and use for all other non-business purposes during working time is prohibited. **Working time** shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the County. Working time excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times. This includes, but is in no way limited to, the use of computers or County-issued mobile devices, use of social networking, gaming or TV/video. All e-mail, voice mail and internet messages are official documents subject to the provisions of the Open Public Records Act (“OPRA”) (N.J.S.A. 47:1A-1 et seq.).

The County operates in an environment where the use of computers, e-mail and the Internet are essential tools for certain employees. Those employees are encouraged to use computers, e-mail and the Internet. However, it is the responsibility of the employee to guarantee that these systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper and lawful manner at all times.

- Employees are advised that all computers owned by the County are to be used for business purposes only during working time (as defined above), and that they have no expectation that any information stored in a County computer is private. Because e-mail messages are considered as business documents, the County expects employees to compose e-mails with the same care as a business letter or internal memo.
- Downloading or misusing software available through the Internet could violate copyright laws or licensing requirements. You should always comply with copyright, privacy, fair use and other applicable laws. Review the terms of use of all social media sites you visit and ensure your use complies with them. Where appropriate, reference all sources of particular information you post or upload and cite them accurately.
- Personal use of any computer during working time (as defined above) is prohibited. However, if authorized by your supervisor and if a terminal is available, you may use the on-line services if necessary on your personal time subject to the rules and restriction contained in this policy.
- The County reserves the right to block or cancel an employee’s access to Internet sites or the Internet as a whole while using business computers or on the County time.
- The e-mail and Internet systems, as well as the messages thereon, are the property of the County.
- The County reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the County's discretion. The County also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. Therefore,

employees shall have no expectation of privacy in any transmissions made or received using County computers or email accounts.

- Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
- The existence of personal access codes, passwords and/or "message delete functions," whether provided by the County or generated by the employee, do not restrict or eliminate the County's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.
- Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- The County's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an employee's personal use of the County's computer, e-mail and connection to the Internet shall not interfere with the employee's duties and shall comply with the County policies and all applicable laws.
- Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.
- Because postings placed on the Internet may display the County's address or other County related information, and thus reflect on the County, make certain before posting such information that it exhibits the high standards and policies of the County. Under no circumstances shall data of a confidential, nature (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- If you identify yourself as a County employee in any manner on any internet posting or blog, comment on any aspect of the County's business or post a link to the County, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the County of Passaic or anyone associated/affiliated with the County of Passaic."
- Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Administration. Any other subscriptions are prohibited.

- All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the County's Network Administrator before downloading.
- Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using a County computer. "Unauthorized use" includes, but is not limited 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. If an employee receives a message that is representative of an "unauthorized use" of the County's electronic media from someone outside of the County, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- Your Internet postings SHOULD NOT VIOLATE ANY OTHER APPLICABLE COUNTY POLICY, including, but not limited to, the following: *the County's Anti-Harassment and Discrimination Policy the County's Code of Ethics and Codes of Conduct Policies.*

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

**This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions communicate with each other; or engage in other concerted activities for their mutual aid and protection.**

## SECTION THREE

### Leaves Of Absence & Other Time Off

#### Paid Holiday Policy

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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 pm Before Christmas
- Christmas Day
- ½ Day pm Before New Year's

Employees who have an approved vacation/benefit time scheduled who call in sick the day before or day following a vacation, holiday and/or leave, and/or any other authorized day of absence may be required to submit a physician's statement.

The Freeholders reserve the right to change or delete the holidays set forth above. A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

**This policy is not intended to conflict with the collective bargaining agreement between the County and its unionized employees. If there is a conflict between this Manual and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.**

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **Vacation/Personal/Sick Leave Policy**

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#### **Vacation Leave Policy**

Unless otherwise stipulated in an employment agreement, collective bargaining agreement or Civil Service laws, vacation is an accrued benefit based on the following schedule:

#### **Full-Time Employees:**

- 1 day for each full month of continuous service during the first calendar year of employment (“Year 1”) after completing 90-day probationary period
- 12 days for Years 2 through 5, inclusive
- 15 days for Years 6 through 10, inclusive
- 18 days for Years 11 through 15, inclusive
- 20 days for Years 16 through 20, inclusive
- 22 days for Years 21 and over

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 worked (calculated back to date of hire).

#### **Part-Time Employees:**

Part-time employees shall accrue time on a pro-rata basis based on the schedule above.

An employee’s supervisor must approve the use of vacation time in advance. While 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 supervisor or Department Head. Employees should submit vacation requests as early as possible to ensure adequate staffing. Absent emergent circumstances, a request to use vacation leave submitted less than three (3) days prior to the day(s) off requested shall be granted at the discretion of the Department Head.

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 may carry more than one year’s worth of vacation time to the next year without written approval of the County Administrator.

Employees who have an approved vacation/benefit time scheduled who call in sick the day before or day following a vacation, holiday and/or leave, and/or any other authorized day of absence may be required to submit a physician’s statement.

#### **Personal Day Policy**

Upon completing a 90-day probationary period, employees are entitled to three (3) personal days per year. One (1) personal day shall accrue on the first day of January, May and September of each year.

In the event that a personal day was not scheduled in advance, employees shall contact the Department Head (or his designee) at least 30 minutes prior to the scheduled start of the work day.

During an employee's first year of service, personal days accrue at the rate of one (1) day per four (4) months of service.

Any unused personal days are forfeited at the end of each calendar year.

### **Sick Leave Policy**

Employees may accrue up to fifteen (15) working days of sick leave per calendar year

### **Accrual of Sick Time**

New employees shall only receive one working day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.

After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one 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 15 sick days.

Part-time and 10-month employees shall be entitled to a proportionate amount of paid sick leave

An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.

Paid sick days 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.

Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.

### **Carry-Over of Sick Time**

Unused sick leave shall accumulate from year to year without limit. The accumulation continues indefinitely until the time of the employee's retirement and employees shall be paid for one-half (1/2) of their total accumulated unused sick time up to twelve thousand dollars (\$12,000). Elected Officials and Gubernatorial Appointees are not covered under this policy.

### **Permissible Use of Sick Time**

Sick time is intended for the following uses:

- Personal illness or injury of the employee or the employee's family member.
- For medical care for a person illness or injury of the employee or the employee's family member.
- Exposure to contagious disease.
- Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family
  - immediate family shall be defined as an 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 relatives residing in the employee's household.
- Death in the employee's immediate family, for a reasonable period of time.
- 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 appointing authority.

### **Reporting Sick Time**

Employees needing to utilize a sick day shall contact the Department Head (or his designee) at least 30 minutes prior to the scheduled start of the work day.

Upon request, employees shall be required to produce verification to substantiate the need for and the appropriate use of sick time. Such shall consist of a note from a health care professional attesting to the existence of the employee's or his or her family member's illness or injury and/or the employee's fitness to return to work to their Department Head. Such note shall not include details regarding the employee or his or her family member's actual illness.

Employees who must take five (5) or more consecutive sick days may be eligible for benefits under New Jersey State Disability Benefits or the County's Workers' Compensation Policy and should contact the County Department of Personnel. Such absence may also qualify for leave pursuant to federal, state or local law. If you have questions as to whether your illness or injury or that of your family member may qualify you for any such leaves, please contact the County Department of Personnel.

### **Advancement of Accrued Paid Time Prohibited**

Employees may carry accrued time forward as set forth above, but in no case may an employee borrow time from a future year.

### **Incremental Use of Accrued Paid Time**

Employees are permitted to use vacation, sick and personal time in one-half (1/2) day increments. Accrued time, however, may not be taken in hourly increments.

### **Absences Not Covered by this Policy**

This policy addresses absences for vacation/sick/personal leave. It does not cover other absences, such as unexcused absences or absences for family and medical leave, military service leave, military family leave, short- or long-term disability leave, workers' compensation leave, bereavement leave, jury duty leave, victims of crime leave or any other leaves offered by the County.

### **No Accrual of Sick, Vacation or Personal Days During Certain Absences**

Employees may not accrue sick, vacation or personal days during unpaid leaves of absence or other periods of inactive service unless required by law.

### **Administration of this Policy**

The Department of Personnel is responsible for the administration of the County's Personal/Vacation/Sick Policy. If you have any questions regarding this policy or if you have questions about Personal/vacation/sick days that are not addressed in this policy, please contact the Department of Personnel.

An employee who abuses this policy will be subject to disciplinary action, up to and including termination of employment.

### **Employees Covered under a Collective Bargaining Agreement**

The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the County. Wherever employment details in this policy differ from the terms expressed in your union's collective bargaining agreement with the County of Passaic, you should refer to the specific terms of the collective bargaining agreement, which will control.

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **County of Passaic - Donated Leave Program**

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#### **Summary:**

The County of Passaic will permit employees to voluntarily donate accrued benefit time, (sick and/or vacation days) to a fellow employee of the County of Passaic who has exhausted their own earned leave as a result 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 Program will be administered in such a manner as to ensure the goals of the program are met without interfering with any employee's rights to privacy as otherwise protected by Federal or State law, rules or regulations.

#### **Eligibility:**

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

1. Has completed at least one year of continuous service;
2. Has exhausted all accrued sick, vacation, personal, compensatory and administrative leave as well as all sick leave injury benefits, if any;
3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined in writing for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. 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 or an organ (which shall include, for example, the donation of bone marrow).

#### **Definitions:**

"Catastrophic Health Condition or Injury" shall mean:

- With respect to an employee, a "catastrophic health condition or injury" is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health or the health of the employee's fetus and requiring the

care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.

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

"Immediate Family Member" shall mean: Father, mother, father-in-law, mother-in-law, spouse, domestic partner, child, son-in-law, daughter-in-law, grandparent, grandchild, brother or sister. Any interpretation of this definition shall be made in the sole discretion of the County Administrator.

"Leave Recipient" shall mean an employee of the County of Passaic who is desirous of accepting leave time accrued and donated by fellow employees.

"Leave Donor" shall mean an employee of the County of Passaic who is desirous of providing, without compensation, accrued sick, vacation or personal days to a fellow employee dealing with a Catastrophic Health Condition or Injury.

#### **Procedure:**

1. **Written Request** - An employee of the County of Passaic may submit a request, in writing, to their Department Head to participate in the Donated Leave Program either as a Leave Recipient or Leave Donor. Upon receipt, the Department Head shall forward the request to the Human Resource Director who will verify whether the employee is eligible to participate in this program before sending the request to the County Administrator for final approval. A supervisor may submit a request to receive time on behalf of an employee unable to make the request.
2. **Medical Verification** - The employee requesting the employee's acceptance as a Leave Recipient shall submit to the County Director of Personnel 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 the case may be.

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 will be required whether applying for donated leave to care for one's self or immediate family member. The form should be **directly submitted to the Department of Personnel.**

3. **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 this posting or circulation the employee's family may consent on his or her behalf.

**Participation Requirements:**

1. Leave Recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program.
2. Leave Recipient may not collect temporary disability benefits (T.D.I.) or worker's compensation insurance benefits while utilizing time donated.
3. Leave Recipient is limited to a lifetime maximum of 260 donated sick days or vacation days and shall not receive any such days on a retroactive basis.
4. Leave Donors shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave.
5. Leave Donor shall donate only whole sick days or whole vacation days and may not donate more than 30 such days to any one recipient.
6. Leave Donor shall not revoke the leave donation.
7. 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.
8. 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.
9. 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.
10. 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.
11. Upon receipt of a request to donate time, the County Director of Personnel will verify that the Leave Donor is eligible to donate time and said Department will deduct appropriate time from the Leave Donor.

12. Leave Recipients may use donated leave in one-half day or whole day increments. Recipients may return to work on a part time, or intermittent basis, and remain eligible for the program as long as they do not exceed 260 days in a lifetime.
13. An incident is considered closed when the recipient is medically cleared to return to work without restrictions.
14. If the recipient returns to work or otherwise terminates employment, the remaining balance of unused donated leave must be equally returned to all donors in whole day increments only. Partial day increments will not be restored to the donor nor remain credited to the recipient.
15. 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.

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **Other Leaves of Absence**

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#### **Bereavement Leave Policy:**

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 at the discretion of the Personnel Department or Administration.

#### **Jury Duty Policy:**

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 should notify their supervisor as soon as possible but no later than one (1) week of receiving notice.

Following completion of service, employees shall submit official confirmation of service provided by the vicinage.

## LEAVES OF ABSENCE & OTHER TIME OFF

### Family and Medical Leaves

#### Federal Family and Medical Leave Act

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In accordance with the federal Family and Medical Leave Act (“FMLA”), the County provides eligible employees with up to 12 weeks of unpaid medical and family leave during any 12-month period and up to 26 workweeks to care for a Covered Service member.

At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees’ rights and obligations under the FMLA and the County’s policies implementing the FMLA.

#### Leave Available

Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for any one or more of the following reasons:

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

The definition of a “serious health condition” is governed by applicable law. If you have any further questions about what constitutes a “serious health condition,” please contact the Department of Personnel.

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Servicemember shall be entitled to a total of 26 workweeks of unpaid leave during a single 12-month period to care for the Covered Servicemember. During this single 12-month period, an eligible employee who qualifies for leave to provide care for the Covered Servicemember shall be entitled to no more than a combined total of 26 workweeks of leave.

#### **Definitions**

**“Covered Servicemember”** means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family

member's initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

**"Eligible Employee"** means an individual who has been employed by the County for at least 12 months, has worked at least 1,250 hours during the preceding 12-month period, and is employed at a worksite with at least 50 employees within 75 miles of that worksite.

**"Next of kin"** means the nearest blood relative of the individual.

**"Qualifying Exigency"** covers a number of broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-dept activities, and additional activities agreed to by the employer and the employee.

**"Serious Health Condition"** means an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.

**"Serious Injury or Illness"** means an injury or illness incurred by a Covered 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.

### **Eligibility**

Any employee who has been employed by the County for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period. The 12 month period shall be determined by using a **rolling 12 month period that commences with the first day of leave taken.**

Leave to care for a child after birth, adoption, or foster care must conclude within 12 months of the child's birth or placement. If both spouses work for the County they may only take a total of 12 weeks between them during the 12 month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition and a combined 26 weeks in a single 12 month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reasons. Each spouse may be entitled to additional leave for other qualifying reasons under the FMLA, such as the employee's own illness or for the serious illness of the employee's child. Any questions regarding such additional leave should be addressed to the Director of Personnel.

## **Notice**

When the leave is foreseeable, at least thirty (30) days' advance notice to the Director of Personnel is required. If thirty (30) days' notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

## **Certification**

Where leave is taken to care for a family member with a serious health condition or because of the employee's own serious health condition, medical certification is required and periodic recertification may be required. In addition, where the leave is taken because of the employee's own serious health condition, a certification of fitness to return to work will be required.

The County, at its 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, the County, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member. Absent unusual circumstances, both certifications must be provided within fifteen (15) days.

For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Service member to support such leave. Absent unusual circumstances, such certification must be provided within fifteen (15) days.

The County will also require periodic status reports from employees concerning their intended return date. An unexcused failure to provide requested documentation may result in the denial or suspension of leave. The County may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the County may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

## **Utilization of Paid Leave**

Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time.

### **Coordination with other Leave Policies**

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

### **Intermittent Leave**

When medically necessary, leave taken because of a serious health condition of an employee or family member or to care for a Covered Servicemember may be taken on an intermittent or reduced work schedule basis. The employee and employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations, subject to the approval of the employee's health care provider. The County may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternative position with equivalent pay and benefits that is better suited to the leave schedule.

### **Employment and Benefits Protection**

During the leave, health benefits will continue for up to twelve (12) weeks in each rolling twelve (12) month period under the same conditions as if the employee continued to work. Employees must, however, pay the same amount for any benefits continued as they do prior to the leave. Other benefits, if any, will continue during the leave under the same conditions as if the employee continued to work.

If paid leave is substituted for unpaid FMLA leave, the County will deduct your portion of the health plan premium as a regular payroll deduction. If your leave is unpaid, you must pay your portion of the premium in accordance with a payment method that is devised and mutually agreed upon between you and the County. Employees should consult with the Department of Personnel prior to taking an approved leave. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

With regard to the employee's contribution portion of his/her health benefits pursuant to Chapter 78, P.L. 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the Department of Personnel or for any voluntary benefits, to the respective insurance company. Your healthcare coverage may cease if your premium payment is more than 30 days late. If and when your payment is more than 15 days late we will send a letter you a letter to this effect.

With regard to any pension contribution that you may have, you must contact the Department of Personnel to make payment arrangements concerning contributions or credits paid toward you pension benefits. Employees should consult with the Department of Personnel prior to taking an approved leave.

If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee's own serious health condition, the employee will be required to present a fitness for duty certification from his/her health care provider that he/she is medically able to resume work. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the County within two business days of the change.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits and other terms of employment. Individuals identified as "key employees" (the highest paid 10% of salaried employees at the work site or within a 75 mile radius of that work site) at the beginning of their leave may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the County. Employees will be informed of their key employee status at the beginning of the leave period.

A failure to return from FMLA leave for reasons other than the employee's own serious health condition may result in termination of employment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, they must contact the Department of Personnel before the expiration of the leave to discuss their options under state and federal law.

### **State Leave Laws**

Certain states provide additional leave similar to that provided under the FMLA. The County will comply with these state law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

### **Questions**

Employees are encouraged to discuss questions regarding the FMLA or parallel state leave laws with the Director of Personnel.

## LEAVES OF ABSENCE & OTHER TIME OFF

### New Jersey Family Leave

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The County provides eligible employees with up to 12 weeks of unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA).

#### Eligible Employees

To be eligible for NJFLA leave, you must have worked at least 12 months for the County and have worked at least 1,000 hours for the County over the previous 12 months.

#### Qualifying Reasons for Leave

You may take NJFLA leave to care for:

- A newly born or adopted child, but the leave must start within 12 months of the birth of the child or the placement of the child for adoption.
- An immediate family member (your spouse, civil union partner, child under 18 years old, child with a physical or mental impairment who is incapable of self-care, parent or parent-in-law) with a serious health condition.

Leave taken for reasons above must be consecutive and must begin by the end of the 12-month period after the birth or placement for adoption or foster care.

#### Leave Benefits

You may take up to a maximum of 12 weeks of NJFLA leave in a 24-month period, which is measured as a rolling 24-month period that commences with the first day of NJFLA leave taken.

You may take NJFLA leave to care for a seriously ill family member:

- As a single block of time.
- By reducing your normal weekly, [but not daily,] work schedule for no more than 24 consecutive weeks in a 24-month period.
- Intermittently in increments lasting at least one week, but less than 12 weeks in a consecutive 12-month period, when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the County's operations.

The total time within which an **intermittent leave** is taken may not exceed a 12 month period, if such leave is taken in connection with a single serious health condition. Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive 24 month period, or until such time as the employee's 12 week family leave entitlement is exhausted, whichever is shorter.

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

Depending on the purpose of your leave, you may choose to use accrued paid leave, concurrently with some or all of your NJFLA leave.

You will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of your NJFLA leave.

The County will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

### **Required Notice and Certifications**

When requesting NJFLA leave, you must give the County 30 days' advance written notice. If advance written notice is not possible because of an emergency, you must give the County reasonable oral notice and then follow up with written notice.

You also must give the County medical certification supporting the need for leave. The County reserves the right to require second or third medical opinions and periodic re-certifications. You must also provide periodic reports during your leave regarding your status and intent to return to work as deemed appropriate by the Personnel Department.

If you fail to provide the required documentation, the County may delay the start of your leave, withdraw any designation of NJFLA leave or deny the leave, in which case your absences will be treated in accordance with the County's standard leave of absence and attendance policies and you may be subject to discipline up to and including termination of employment. If you provide false or misleading information or omit material information about a NJFLA leave, you will be subject to discipline up to and including immediate termination of employment.

### **Benefits Protection**

During your family leave of absence, your health benefits will be maintained under the same conditions as if you continued to work. If you decide to return to work when your family leave of absence ends, you may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If you decide not to return to work when your family leave of absence ends, you may be required to reimburse the County for the health insurance premiums paid on your behalf during your leave of absence (except if your failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle you to a leave of absence under the law or other circumstances beyond your control).

With regard to any pension contribution that you may have, you must contact the Pension Department to make payment arrangements concerning contributions or credits paid toward you

pension benefits. Employees should consult with the Department of Personnel prior to taking an approved leave.

### **Returning to Work after NJFLA Leave**

On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the 12-week NJFLA entitlement will be subject to the County's standard leave of absence and attendance policies. This may result in termination if your continued absence is unauthorized (for example, if you have no other County-provided leave available to you).

### **Retaliation Prohibited**

The County and the NJFLA prohibit the Interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA.

The County encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the Personnel Department.

### **New Jersey Family Leave Insurance**

The New Jersey Family Leave Insurance (“NJFLI”) provides up to 6 weeks of benefits to covered employees for the following reasons:

If you are taking leave to bond with a newborn or newly adopted child or to care for a family member (child, parent, spouse, domestic partner or civil union partner) with a serious health condition, you may be eligible for New Jersey Family Leave Insurance (NJFLI) benefits from the state of New Jersey. Eligibility for benefits and the maximum weekly benefit are determined by the state of New Jersey.

Employees may be eligible for NJFLI benefits for up to six weeks. The County requires employees to use up to two weeks of accrued paid leave in lieu of the NJFLI benefits where permitted by law. Use of Compensatory time may be used at the employee’s option. Your job is not protected while you are receiving NJFLI benefits unless you are eligible for leave under the Family and Medical Leave Act or New Jersey Family Leave Act.

Employees must provide the County with advance notice of need for leave, as follows:

- At least 30 days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
- In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.

- At least 15 days before leave to care for a seriously ill family member on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

If you have questions regarding New Jersey Family Leave Benefits please contact the County Department of Personnel or the New Jersey Department of Labor and Workforce Development.

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **Military Leave**

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#### **Federal Military Service Leave Policy**

#### **Uniformed Services Employment and Reemployment Rights Act (USERRA)**

Employees who have the obligation to serve, as members of the United States military, either as members of a state militia or as reservists in any of the branches of the armed forces, shall be entitled to such benefits as provided by applicable law. In the event an employee serving as a reservist is called to active duty, they shall promptly notify their Department Head and provide a copy of any applicable orders. Employees serving as members of any state militia shall similarly notify the County Department of Personnel of their annual service obligations as soon as they become known.

The County recognizes that employees may need to be absent from work to serve in the US military. The County provides military service leaves of absence to all regular full-time, part-time and probationary employees in compliance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and applicable state laws.

#### **Procedures**

If you need to take military service leave, you must provide advance notice to the Department of Personnel. When possible, you should give at least 30 days' notice of your request for leave. If 30 days' notice is not possible because of military necessity or for other reasons, you should give as much advance notice to the County as possible.

Written notice is preferred, but not required. Where possible, please submit a copy of your military orders, training notice or order to active duty, along with a Request for Leave of Absence to your supervisor or the County Department of Personnel.

#### **Eligibility Requirements**

##### **Eligible Employees**

All regular full-time, part-time and probationary employees are eligible for military service leave if they are absent from work because of eligible military service. Employees who were only employed for a brief, non-recurrent (one-time only) period before the start of military service are not eligible for leave under this policy.

##### **Eligible Military Service**

For purposes of this policy, eligible military service means certain types of service (listed below) in the following branches of the US military:

- Armed Forces (Army, Navy, Air Force, Marine Corps and Coast Guard), including the Reserves.

- National Guard, when the employee is engaged under federal authority in active duty for training, inactive duty training or full-time National Guard duty.
- Commissioned Corps of the Public Health Service.
- Any other category of persons designated by the President in time of war or national emergency.
- Eligible employees may take leave under this policy for the following types of military service:
  - Active duty.
  - Active duty for training.
  - Initial active duty for training.
  - Inactive duty training.
  - Full-time National Guard duty.
  - Funeral honors duty performed by National Guard or Reserve members.
  - Submitting to an examination to determine your fitness for any of these services.
  - Service as an intermittent disaster response appointee of the National Disaster Medical System when you are activated under federal authority or attending authorized training in support of a federal mission.

### **Compensation During Leave**

Military service leave is unpaid. However, employees may use any or all of their accrued but unused vacation or other paid time off during their military service leave.

### **Benefits of Employment During Leave**

During military service leave, all benefits provided to employees are governed by the terms and conditions of the applicable policies and procedures governing employee benefits in accordance with applicable law. For all other non-seniority benefits an employee on military service leave will receive the same rights and benefits as employees on other unpaid leave of absences.

### **Reemployment**

You may be eligible for reemployment after your military service leave if you meet certain criteria under the law and certain exceptions do not apply to your reemployment. If you would like to return to work, you must report to work or submit an application for reemployment to the County Department of Personnel, including your military discharge documentation, if available, as follows:

- If your military service was for less than 31 days, you must report to work on the first regularly scheduled workday that is at least eight hours after you return home from military service.
- If your military service was for 31 to 180 days, you must apply for reemployment within 14 days following completion of military service.
- If your military service was for more than 180 days, you must apply for reemployment within 90 days following completion of military service.

If you are unable to comply with this schedule through no fault of your own or if you are injured or recovering from an injury, please speak with the County Department of Personnel as soon as possible to determine if you are eligible for additional time to apply for reemployment and/or about any reasonable accommodation that you may require in order to perform your work. Employees who do not report to work or apply for reemployment within the applicable timeframe will be subject to the County's rules about unexcused absences.

If the employee's leave was for more than 30 days, the County has the right to request supporting documentation to justify the employee's reemployment.

Employees will be reemployed in the positions and in the priority as dictated by law. Nothing in this policy requires the County to reemploy individuals who are not eligible for reemployment rights under applicable law.

### **Discrimination and Retaliation Prohibited**

The County prohibits and will not tolerate discrimination or retaliation against any employee or applicant because of that person's membership in or obligation to perform service for any branch of the US military. Specifically, no one will be denied employment, reemployment, promotion or any other benefit of employment or be subjected to any adverse employment action based on that person's membership in or service for any branch of the US military. In addition, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

The County is committed to enforcing this policy against discrimination and retaliation. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report such conduct, the County may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

### **State or Local Military Service Leave Laws**

Where state or local military service leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by such laws, will apply.

### **Administration of this Policy**

The County Department of Personnel is responsible for the administration of this policy. If you have any questions regarding this policy or if you have questions about military service leave that are not addressed in this policy, please contact the County Department of Personnel.

## **New Jersey Military Leave for Public Employment**

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A permanent or full-time temporary officer or employee of the County who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled, in addition to pay received, if any, as a member of a reserve component of the Armed Forces of the United States, to leave of absence from his or her respective duty without loss of pay or time on all work days on which he or she shall be engaged in any period of Federal active duty, for up to 30 work days in any calendar year.

Such leave of absence shall be in addition to the regular vacation or other accrued leave to which the employee is entitled. Any leave of absence for such duty in excess of 30 work days shall be without pay but without loss of time.

A full-time temporary officer or employee who has been so employed for less than one year shall receive leave without pay but without loss of time.

County employees who have entered or enter, the active military or naval service of the United States or of New Jersey, in time of war or an emergency, or for or during any period of training, or pursuant to or in connection with any system of selective service, or who, has entered or shall enter , in time of war, 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 service and for a further period of three months after discharge from such service. If any employee 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 two years from the date of his discharge from such service, whichever shall first occur.

No employee will be terminated 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 was in time of war or an emergency.

During their leave, employees will be entitled to all the rights, privileges and benefits that s/he would have had or acquired if s/he 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 position or employment that s/he held at the time s/he entered service, provided the employee notifies the County of his intent to return and applies for reemployment before the expiration of his or her leave of absence.

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 the employee 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 will restore the employee to a position of like seniority, status and pay, or any position available, if requested by the employee, for which the person is able or qualified to perform the duties.

Upon resumption of the employee's employment, the employee temporarily filling the position will immediately cease his or her position.

No employee separated from such service by a dishonorable discharge shall be entitled to any of the rights, privileges or benefits of this policy.

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### **New Jersey Military Leave and Reemployment Policy**

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The County will provide the necessary time off to employees who must fulfill military obligations in any Armed Forces, National Guard, other uniformed services or state military, as required by federal and state law. If employees return to work or apply for reemployment on a timely basis, they will be reinstated in accordance with federal and state law.

Military leave will be unpaid, except exempt employees who are paid on a salary basis will be paid for any workweek in which the employee performs work. In addition, employees may choose to use accrued vacation for military leave in lieu of unpaid leave.

If you need to take military leave, you must give advance notice of your service obligations to your supervisor, unless military necessity makes advance notice impossible. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before the beginning of leave.

Additional information regarding military leave may be obtained from the County Department of Personnel.

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **New Jersey Security and Financial Empowerment Act Leave**

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In accordance with the New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), the County provides eligible employees with up to 20 days of unpaid leave during any 12-month period to attend to a variety of matters related to an act of domestic violence or sexual assault committed against the employee or a family or household member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees’ rights and obligations under the NJ SAFE Act, and the County’s policies implementing the NJ SAFE Act.

#### **Leave Available**

Eligible employees may take no more than 20 days of unpaid leave during any 12-month period, to be used in the 12-month period following any qualifying incident to engage in any of the following activities (as it applies to them personally, or to a family member as defined below):

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by the incident;
- Obtaining services from a victim services organization;
- Obtaining psychological or other counseling;
- 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;
- Seeking legal assistance, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or
- Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

#### **Definitions**

“Employee” means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under the NJ SAFE Act, for not less than 1,000 base hours during the immediately preceding 12-month period.

“Domestic Violence” means the occurrence of one 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.

“Sexually violent offense” means 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.

"Certified Domestic Violence Specialist" means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals.

"Designated domestic violence agency" means 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 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.

"Rape Crisis Center" means an office, institution, or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information, and follow-up counseling.

### **Eligibility Requirements**

Any employee who was a victim of an incident of domestic violence or a sexually violent offense, or whose child, parent, spouse, domestic partner, or civil union partner was a victim, and who has been employed by the County for 12 months or more and worked 1,000 hours or more in the 12 month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to 20 days in one 12-month period, to be used in the 12-month period immediately following any incident of domestic violence or any sexually violent offense.

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 20 days for the 12-month period.

### **Notice Requirements**

When the necessity for the leave is foreseeable, the employee must provide written notice to the County Department of Personnel as far in advance as is reasonable and practical under the circumstances.

### **Certification and Reporting Requirements**

The County will require documentation of the domestic violence or sexually violent offense which is the basis for the leave. Sufficient documentation includes one or more of the following:

- a domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- a letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
- documentation of the conviction of a person for the domestic violence or sexually violent offense;
- medical documentation of the domestic violence or sexually violent offense;

- 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; or
- 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.

### **Utilization of Paid Time Off**

Generally, NJ SAFE Act leave is unpaid. However, depending on the circumstances, employees may be entitled to receive state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during his or her approved unpaid leave. Employees may not receive more than 100% of salary at any time.

Employees who are not eligible for such state-sponsored wage replacement benefits are required to use their accumulated paid time off during an approved unpaid leave. Use of paid time off will not serve to extend the length of the employee's leave of absence under this policy.

### **Coordination with other Leave Policies**

The period of time attributable to the employee's absence due to any disability or sick leave will be counted against available leave under this policy to the extent permitted by law. In the event that additional family, medical or sick leave is available pursuant to federal or state laws, this leave will also run concurrently with NJ SAFE Act leave to the extent permitted by law. You will be provided with detailed information from Department of Personnel.

### **Intermittent Leave**

Unpaid leave may be taken intermittently in intervals of no less than one day.

### **Employment and Benefits Protection**

During the leave, health benefits will continue under the same conditions as if the employee continued to work.

If an employee is enrolled in voluntary supplemental benefits the employee is solely responsible for making payment arrangements with the respective insurance company. Employees should consult with Department of Personnel prior to taking an approved leave. If you fail to return to work after your NJ SAFE Act leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits and other terms of employment.

A failure to return from NJ SAFE Act leave for reasons other than the employee's own serious health condition and/or disability may result in termination of employment. In the event that an employee cannot return to work at the end of NJ SAFE Act leave due to a continuation of his/her own serious health condition and/or disability, they must contact Department of Personnel before the expiration of the leave to discuss their options under state and federal law.

### **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.

### **Questions**

Employees are encouraged to discuss questions regarding the NJ SAFE Act or other leave laws with Department of Personnel.

## **LEAVES OF ABSENCE & OTHER TIME OFF**

### **New Jersey Emergency Responder Leave Policy**

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The County will not terminate, dismiss or suspend you if you are not able to report to work because you are serving as a protected volunteer emergency responder during a state of emergency declared by the President of the United States or the State of New Jersey, or if you are actively engaged in responding to an emergency alarm. You are not protected if, by law or contract, you are an essential employee.

You are a protected emergency responder if your official duties include responding to a fire or emergency call as:

- A member of a volunteer fire company.
- A volunteer member of a first aid, rescue or ambulance squad.
- A member of any county or municipal volunteer Office of Emergency Management.

You must provide the County with the following:

- Notice that you are providing emergency services at least one hour before you are scheduled to report to work.
- A certification from the incident commander or other official or officer in charge stating that you were actively engaged in and necessary for providing emergency services, and the date and time you were relieved from emergency duty as well as a copy of the incident report when you return to work.

You may use accrued vacation or sick time for time missed from work to serve as a volunteer emergency responder.

## SECTION FOUR

### Compensation & Employee Benefits

#### Employee Benefits

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##### **Health Insurance and Prescription Benefits Package:**

Full-time employees and their immediate family members, including civil union partners, are offered health insurance and prescription drug coverage administered by a health insurance fund.

Part-time employees are also offered health insurance and prescription drug coverage plans which may differ from those offered to full-time employees.

The County reserves the right to change network providers, claims agents, and insurance mechanisms. The health insurance and prescription benefit plan is on file in the County Department of Personnel. In addition, a Summary Plan Description is provided to all employees upon hire and during open enrollment periods. The County reserves the right to modify benefit levels for non-unionized employees at any time.

Employees of the County are required to contribute toward the cost of the premium for health and prescription coverage pursuant to Chapter 2, P.L. 2010, and Chapter 78, P.L. 2011

Effective June 28, 2011, as per Chapter 78, P.L. 2011, the percentage rate of contributions will be determined by the employee's annual salary and selected level of coverage. Employees should contact the County Department of Personnel to determine their contribution.

Health insurance 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.

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

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, employees shall receive a notice of COBRA rights. For more information, consult the County Department of Personnel.

Certain Employees may be eligible to continue to receive health insurance coverage paid for by the County ("retiree health benefits") upon retirement. Pursuant to Chapter 78, P.L. 2011, certain employees will be required to make contributions to health care benefits coverage upon retirement.

For more information regarding eligibility for such benefits employees should refer directly to the County's Resolution/s governing retiree health benefits available from the Office of the Director of the Department of Personnel or contact the Health Benefits Department of the

County Department of Personnel or refer to their respective applicable collective bargaining agreement.

Employees that are approved for an ordinary or accidental disability retirement may also qualify for retiree health benefits. See the Department of Personnel for information on whether you qualify for retiree health benefits. Employees receiving retiree health benefits must notify the Employee Benefits Clerk in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. The County currently reimburses employees qualifying for retiree health benefits for the cost of Medicare Part B. For more information, consult the Employee Benefit Clerk in the Personnel Department.

See the Department of Personnel for information on whether you qualify for retiree health benefits.

**Dental Benefits Policy:**

Employees and their immediate family members, including civil union partner, are offered dental insurance coverage administered by a health insurance fund. As per Chapter 2, P.L. 2011 and Chapter 78, P.L. 2011, employees will be required to make contributions to health care benefits coverage. The percentage rate of contributions will be determined based on the employee's annual salary and selected level of coverage. Employees should contact the County Department of Personnel to determine their contribution.

The County reserves the right to change provider networks, claims agents, and insurance mechanisms. The complete benefit plan is on file in the County Department of Personnel and a summary plan description will be provided to all employees upon hire and during open enrollment periods. The County reserves the right to change benefit levels for non-unionized employees at any time. The summary plan description shall control with regard to terms and conditions of coverage.

Dental insurance 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.

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

Upon termination of 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, employees shall receive a notice of COBRA rights. For more information, consult the County Department of Personnel.

**Prescription Eye Glasses Benefit Policy:**

The County offers employees a voluntary eyeglass plan. If an employee elects such coverage, the employee pays the entire cost of such coverage. Information is available in the Personnel Department.

**Life Insurance:**

The County offers life insurance to employees in the amount of \$4,000.

**Voluntary Benefit:**

The County offers various other voluntary benefit plans which if elected are paid for solely by the employee. Such benefit plans are available through AFLAC, UNUM or other similar companies approved by the Board of Chosen Freeholders. Information is available in the Personnel Department.

**Deferred Compensation Policy:**

The County offers employees voluntary deferred compensation plans that are paid for solely by the employee. Information is available in the Personnel Department. The County may add deferred compensation providers at various times at the discretion of the Board.

**Longevity Policy:**

All employees (excluding elected officials and gubernatorial appointees) are entitled to longevity benefits for active continuous years of service to the County and shall receive additional compensation as follows:

- 2% of base after completion of seven (7) years
- 4% of base after completion of ten (10) years
- 6% of base after completion of fifteen (15) years
- 8% of base after completion of twenty (20) years
- 10% of base after completion of twenty-five (25) years

**Part-Time Employees:**

- Part-time employees shall receive longevity pay on a pro-rata basis based on the schedule above.

Employees who are receiving longevity pay that have a break in service for greater than one year shall complete one full year of active service before resuming longevity pay.

Effective July 1, 1998, all persons newly hired by the County of Passaic shall not receive any longevity bonus benefit payments based upon prior employment with any other public entity other than the County of Passaic, its agencies or its instrumentalities (R-26-6-23-98).

**Retirement Policy:**

Under State law, all eligible employees must enroll in the New Jersey Public 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 made via a payroll deduction. Pursuant to Chapter 78, P.L. 2011, certain employees will be required to make contributions to health care benefits coverage upon retirement.

Retirement benefit options are available to employees who meet the eligibility requirements under the State Of New Jersey Division Of Pension and Benefits law. For your eligibility requirements contact the County of Passaic Finance Department Pension Division.

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 Passaic County Pensions 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.

The State retirement plans request six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and coworkers by providing information concerning their current projects and help in the training of a replacement. The Department Head shall prepare an Employee Personnel Action Form and CAMPS form showing any pay or other money owed the employee.

The Director of Personnel or his/her 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 home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return their Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo

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

#### **Ordinary Disability Retirement**

For your eligibility requirements contact the County of Passaic Finance Department Pension Division.

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

#### **Accidental Disability Retirement**

For your eligibility requirements contact the County of Passaic Finance Department Pension Division.

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

## **Workers Compensation Policy**

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Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the **New Jersey Workers Compensation Act**. The County covers workers compensation benefits through a self-insured plan. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a workers compensation physician appointed by the County. Workers' Compensation is *not a leave entitlement* but only a wage replacement arrangement.

Payment for unauthorized medical treatment may not be covered pursuant to the Worker's Compensation Act.

No temporary Workers Compensation benefits other than the payment of medical bills shall be paid until the employee has been disabled for a period of seven (7) calendar days from the work-related injury unless otherwise required by law.

While receiving workers' compensation benefits, the pension portion of an employee's benefits will still be paid by the County. If, however, an employee is receiving workers' compensation with pay, (which is defined as one hundred (100%) percent compensation of salary) the employee is responsible for all deductions including pension. The above work-related injury policy may not affect certain employees represented by a bargaining unit. All employees are urged to check their union contracts for specific language concerning their rights.

The County will not tolerate retaliation or discrimination against an individual because the individual has filed a claim for workers' compensation benefits. This prohibition includes denying or limiting any request for leave because an individual asserted a claim for workers' compensation benefits.

### **Workers' Compensation Light Duty Policy**

The County will endeavor to bring employees with temporary **work-related injuries or illnesses** back on the job as soon as possible. The County may recognize a special obligation arising out of the employment relationship and create a **temporary** light duty position for an employee when s/he has been injured while performing work for the Department and, as a consequence, is unable to perform his/her regular job duties.

The County will not treat an employee with a disability less favorably than an individual without a disability or screen out an individual on the basis of disability in granting such requests for light duty.

The County will grant such request, at its sole discretion, and on a case-by case basis in consideration of the medical report submitted by the workers compensation physician, the recommendation of the insuring entity and Departmental staffing needs and requirements.

The County reserves the right to grant, refuse or terminate a light duty assignment at any time without cause unless it is in conflict with the mandates of the ADA, FMLA or NJFLA or other state or federal leave laws where applicable.

The employee and/or the Third Party Administrator (“TPA”) are obligated to inform the County of the employee’s medical progress and the County shall have the right to review same periodically.

Light duty assignments may be in any department and not just the employee’s normal department.

Employees on light duty will receive their regular salaries. If light duty is approved, the employee or TPA must keep the County Administrator, Director of Personnel and Department Head informed of the medical progress. If at the end of light duty period the employee is not able to return to work without restrictions the employee should contact the Department of Personnel to discuss his or her options under state or federal law. This policy does not affect an employee’s rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

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## Miscellaneous

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### **Parking Policy**

At locations where parking is scarce, the County endeavors to provide reserved parking spots to all employees. Reserved spots are to be used by the employee assigned to that spot. Assigned spots should not be “loaned” to members of the public including family members and friends of the employee. If an employee does not utilize the spot assigned to them, the County Administrator reserves the right to revoke and reassign said space. Provision of a parking space is a privilege and not a right of employment. Parking spots may be revoked at the discretion of the County Administrator.

The parking garage beneath 401 Grand Street is restricted and secure. No employee who has not previously been assigned a space in this garage should attempt to enter. Nor should any employee attempt to enter this garage on foot as a means to access the building.

### **Dress Code Policy**

Dress, grooming and personal hygiene must be appropriate for the position. Employees are expected to demonstrate good judgment, professional taste and dress appropriately in business attire.

Passaic County requires employees to dress in a professional manner appropriate for the particular position that they hold.

Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards.

Employees are prohibited from wearing the following in the workplace: jeans, athletic clothing, shorts, sneakers, sandals (flip flops), t-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a business-like appearance. Tattoos and body piercing, other than earrings, should be covered by clothing where practical. Employees violating this policy shall be subject to discipline up to and including termination and/ or non-exempt employees may be sent home without pay if applicable.

### **County Identification Policy**

All employees are required to obtain a county-issued identification and renew it when it expires. Identification must be worn at all times in a conspicuous manner. Employees who do not have identification or have an expired identification must contact the Personnel Office.

### **No Smoking Policy**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air outweighs the rights of smokers to smoke in such areas. In accordance with State law, the County has adopted a smoke-free policy for all buildings and vehicles. County facilities shall be smoke-free and no employee or visitor will be permitted to

smoke cigarettes or electronic cigarettes anywhere in County buildings. Employees are permitted to smoke only outside County buildings and such locations as not to allow the re-entry of smoke into building entrances or designated areas. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

The County strictly prohibits discrimination of an employee based on the fact that s/he smokes or uses tobacco products. Discipline based strictly on violation of the County's no smoking policy shall not constitute such discrimination.

### **Bulletin Board Policy**

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

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

Employees who have completed one year of employment with the County of Passaic and have not acquired any disciplinary infractions within the preceding two (2) years from the requested tuition reimbursement may be eligible for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. Approval for tuition reimbursement will be subject to sufficient funds in the budget and upon approval of the Department Head.

Upon approval employees are permitted to attend classes, free of tuition, at Passaic County Community College for classes directly related to their employment. Such courses may only be taken during non-working hours. The County Administrator will have the sole discretion to determine whether a particular course or program is "directly related" to the employee's work and therefore subject to the waiver of tuition obligation. Employees must obtain this determination before enrolling in a course or program in order to be eligible for such a waiver.

Classes taken at other accredited institutions, and directly related to an employee's work, may be reimbursed. The reimbursement schedule is as follows:

- 100% for A grade
- 90% for B grade
- 80% for C grade (or classes taken pass/fail)

Employees receiving a grade lower than C shall receive no reimbursement of the tuition cost for training or college courses that they take on their own initiative.

The employee may be required to repay the County for any tuition reimbursement the employee received if the employee's employment with the County ceases within twenty-four (24) months of receipt of such tuition reimbursement. When enrollment for short training courses or seminars is requested by the County, employees will receive full reimbursement.

Employees requesting to enroll in classes must properly fill out the request form.

This policy is written not to conflict with the collective bargaining agreement between the County of Passaic and its unionized employees. If there is a conflict between this policy and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees.

### **Conference and Seminar Policy**

Requests to attend a conference or seminar must be approved by the Department Head and the County Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must therefore be submitted to the Department Head at least thirty (30) days prior to the event. Employees requesting to attend a conference or seminar must properly fill out the request form and include the conference schedule, registration information and estimated costs. A copy of this form is available from the Office of the Director of Personnel.

Conferences and seminars are meant for professional development and attendees are therefore expected to participate fully and professionally. Copies of any certifications received should be provided to the Personnel Department for inclusion in the employee's personnel file. Employees may be required to provide proof of session attendance.

### **Use of County Property**

No County officer or employee should utilize County materials or facilities for any substantial personal purpose. Mailings at County expense should be made only if they further County business.

### **Work Force Reduction Policy**

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

**ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE MANUAL**

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Please read the following statements and sign below to indicate your receipt and acknowledgement of the Employee Manual (“Manual”) of the County of Passaic:

- I have received a copy of the Manual and acknowledge that is my obligation to promptly read and familiarize myself with its contents. I further understand that unless I have a written contract with terms to the contrary or I am subject to any collective bargaining or Civil Service regulations to the contrary that are applicable to my employment, my employment is terminable at will, either by myself or by the County of Passaic, at any time, with or without notice and with or without cause, and that nothing contained in this Manual alters my "at will" employment relationship.
- I am aware that during the course of my employment, confidential information will be made available to me (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure). I agree to keep such confidential and proprietary information, as defined in this Manual, confidential.
- I am aware that this Manual sets forth the policies and benefits of the County of Passaic and supersedes any documents that I may have previously received with respect to the policies and benefits of the County of Passaic, except with respect to any written contract of employment I may have signed by the COUNTY ADMINISTRATOR or his/her respective authorized designee. Any County or department-specific policies or procedures remain in full force and effect.
- Where there are official plan documents relating to such benefits as health insurance from the County of Passaic, the provisions of the plan documents shall control.
- I understand that the policies, rules and benefits described in this Manual are subject to change at the sole discretion of the County of Passaic any time.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Manual.

NAME \_\_\_\_\_

DATE \_\_\_\_\_

EMPLOYEE  
SIGNATURE \_\_\_\_\_

**ACKNOWLEDGEMENT OF RECEIPT OF PROHIBITED  
DISCRIMINATION AND HARASSMENT POLICY**

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**I have this day received a copy of the Prohibited Discrimination and Harassment Policy of the County of Passaic, which supersedes any and all prior issued sexual harassment policies and any and all statements by anyone regarding sexual harassment and discrimination. I have reviewed this policy and understand and agree to abide by the terms and conditions contained therein. I also have reviewed and understand the complaint procedure under this policy.**

**Please refer to Pages 12 through 14: Prohibited Discrimination and Harassment**

**Should I have any additional questions regarding the Prohibited Discrimination and Harassment Policy, I will bring them to the attention of the County Department of Personnel.**

**NAME** \_\_\_\_\_

**DATE** \_\_\_\_\_

**EMPLOYEE  
SIGNATURE** \_\_\_\_\_