

CenturyLink Webmail

sussexadmin@embarqmail.com

OPRA Request Borough of Sussex

From : John Paff <paff@pobox.com>
Subject : OPRA Request Borough of Sussex
To : sussexadmin@embarqmail.com,
paff@pobox.com

Wed, May 07, 2014 06:45 PM

 1 attachment

Borough of Sussex

Please accept this e-mail/fax as my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at paff@pobox.com. If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129. Also, I would appreciate it if you would acknowledge your receipt of this e-mail.

Records requested:

1. Other than the "Mayor's appointments" shown on page 6 of the 2014 Reorganization meeting minutes, I would like any writing that sets forth the right, powers and duties of the various Council Committees (e.g. DPW Subcommittee). I am trying to find out exactly what document guides these committees on what they are supposed to do.
2. A copy of the "2014 Rules and Regulations" established by Res. 2014-02R.
3. Other than the document responsive to #2, any other bylaws or rules that govern the workings of the council.

Thank you.

John Paff
(voice - 732-873-1251)

Attachment: This request as a text file.

 **20140507T184536R.txt**
1 KB



Borough of Sussex

2 Main Street

Sussex, New Jersey 07461

Phone: 973-875-4831

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sussexadmin@embarqmail.com

VIA EMAIL ONLY

May 16, 2014

Re: OPRA Request

Dear Mr. Paff:

I am in receipt of your emailed OPRA request dated May 7, 2014 and received by this office on May 8, 2014.

Records requested:

1. Other than the "Mayor's appointments" shown on page 6 of the 2014 Reorganization meeting minutes I would like any writing that sets forth the right, powers and duties of the various Council Committees (e.g. DPW Subcommittee). I am trying to find out exactly what document guides these committees on what they are supposed to do.

Attached are four descriptions outlining the functions of various subcommittees established by the Mayor.

2. A copy of the "2014 Rules and Regulations" established by Res. 2014-02R.

Attached is Resolution 2014-02R establishing "Robert's Rules of Order" as the official rules for Council Meetings.

3. Other than the document responsive to #2, any other bylaws or rules that govern the workings of the council.

Attached is the Sussex Borough Employees Handbook

Should you have any questions please feel free to contact this office.

Sincerely,

Mark Zschack
Administrator/Clerk

Personnel Subcommittee

The purpose of this committee is to oversee the hiring, firing and discipline of employees. They will be tasked with the following duties:

- * Check employee manual and keep it up to date
- * Interview and sort job candidates
- * Advertise for and recruit job candidates
- * Recommend salary adjustments and pay raises during budget process

The committee will be active in the beginning of the year during the budget process and to review the employee manual. After that, it will only meet when it or the council deems necessary due to a vacancy or employee issue.

Bill Payment Subcommittee

This is the former Finance Committee. They will be tasked with making sure all the bills are in order and recommending to the council whether they be paid, held or not paid. This committee will be active all year long.

Water/Sewer Budget Subcommittee

This committee will oversee the water/sewer budget. It will be particularly active at the beginning of the year when the budget process is in motion. During the rest of the year, they will be tasked with making sure that all of the line items are in order and no single line item is getting above the level it should be at the point in time. They will also negotiate with SCMUA regarding any fines and/or fee changes. The Water/Sewer Budget Subcommittee will submit the water/sewer budget to the full council with any notes and issues at least three meetings before it is due.

Water/Sewer Rate Structure Subcommittee

This subcommittee will review the current rate structure with the goal of fixing two problems: 1) multi-unit buildings (and developments) only pay a single minimum fee because they only have a single meter and 2) smaller water users pay a higher per-gallon fee than larger users and therefore subsidize the larger users. The committee will compare the current rate structure against one that uses EDUs for the minimum billing and a reverse-tiered per-gallon rate for every gallon a ratepayer uses. It will also look at other options and recommend either doing nothing or changing the rate structure to a different form. The committee's work should be completed so that their recommendations can be implemented before the fourth quarter billing period begins (or earlier if possible).

Water/Sewer Infrastructure and Planning Subcommittee

This subcommittee will be tasked with coming up with a 4, 5 or 10 year plan (length is their choice) for improvements to the water treatment plant, the water distribution system and the sewer collection system. If possible, a preliminary plan should be worked out before the water/sewer budget is approved so that the cost projections can be included in the budget. The committee should continue to monitor that their projections of required capital investment are included in future budgets and are being implemented on a timely basis.

This subcommittee will also be responsible for the month-by-month operations of the water/sewer system and will work with the water/sewer operator and the DPW to make sure that repairs and upgrades happen in a timely manner. This work will be ongoing throughout the year.

Streets, Roads and Infrastructure Subcommittee

This subcommittee will interface with the DPW and will oversee the maintenance of the streets, roads and other town infrastructure that isn't under the purview of the Water/Sewer Infrastructure and Planning subcommittee. They will be responsible for setting policy for the cleaning of Main Street after snow storms, scheduling street sweeping and setting policy regarding leaf and brush pickup.

Town Budget Subcommittee

This subcommittee will be responsible for shepherding the budget through the approval process. They will work with the CFO to come up with a budget for the town. Their primary work should be completed and submitted to the council three meetings before the budget is due to be adopted. During the rest of the year, the committee should meet quarterly to make sure that any particular budget line item is getting used too quickly and should report back to the council on the current state of the budget.

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**SUSSEX BOROUGH
RESOLUTION #2014-02R**

2014 RULES AND REGULATIONS

BE IT RESOLVED by the Mayor and Council of the Borough of Sussex that the "Robert's Rules of Order" shall be and are the official Rules and Regulations for the Mayor and Council Meetings for the calendar year 2014 to be held at the Municipal Building, 2 Main Street, Sussex, New Jersey 07461.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Mayor and Council of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on January 7, 2014.

Mark Zschack, Municipal Clerk

This manual was adopted by the Borough Council in June Of 2008
Article VI, Section 4, Uniforms amended 3/2/10 by resolution 2010-28R
Article VI, Section 10, Regarding Plow Operator's Hours amended 3/16/10 by resolution
2010-34R

ARTICLE I

GENERAL POLICY

SECTION 1

ESTABLISHMENT OF BOROUGH OF SUSSEX PERSONNEL POLICY AND PROCEDURE MANUAL

The purpose of this manual is to define and clarify the personnel policies and procedures of the Borough of Sussex.

There has been established a table of organization, attached, that conveys the administrative lines of authority as established by the Mayor and Council and adopted by the governing body.

The policies and procedures embodied in this Manual govern the activities of all paid civilian personnel with the exception of elected and certain appointed officials.

This Manual will be distributed to all employees. Each employee is responsible for familiarizing himself/herself with its contents.

This Manual will be reviewed periodically by the Mayor and Council and Administrator, who shall make recommendations for revisions to the governing body. The Mayor and Council may update and/or modify the Manual at any time. Approved revisions will be distributed to all employees for updating manuals.

This Manual is not intended to create any contractual rights in favor of the employee or the Borough, this manual is intended to provide employees and Borough of Sussex with the following:

1. To provide all employees with proper supervision, instruction and the best working conditions, so that they may render the best possible service.
2. To the maximum extent possible, base promotion, salary and job security on ability, performance, experience, character and job attitude.
3. To make the best possible use of employee skills and abilities.
4. To treat every employee with respect and consideration.
5. To expect each employee to consistently perform to the best of their ability, to be conscientious in their work, to conduct themselves, appropriately, and to treat others with respect and courtesy.

6. To expect each employee to present the best possible appearance under the conditions that they may be working. Neatness and cleanliness is expected of each employee-there will be no exceptions.
7. To stimulate the self-betterment of each employee and to encourage them to seek all possible means of increasing their value to the community.
8. To pay fair and adequate salaries or wages for each position and in turn to expect consistently good performance.
9. To impress on employees that at all times they are serving the taxpayer of the community.
10. To promote in each employee a feeling of pride and satisfaction in their service to the Borough of Sussex.

SECTION 2

MANAGEMENT RIGHTS

The Borough of Sussex hereby retains and reserves unto itself all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and Constitution of the United States of America and of the State of New Jersey, including but not limited to:

- A. To manage and control the affairs of the Borough, it's properties and facilities, the operation of it's departments and the activities of it's employees;
- B. To determine:
 1. Qualifications for employment.
 2. Job Duties
 3. Conditions for continued employment, assignment and promotion of employees;
- C. To recruit, hire, promote, transfer, train, compensate, reprimand, suspend, demote, discharge or take disciplinary action for good and just cause according to law;
- D. To promulgate rules, regulations, policies and procedures to provide for an orderly and efficient personnel management system for the Borough of Sussex.

SECTION 3

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Borough of Sussex to ensure equal employment opportunity to all persons regardless of race, color, creed, national origin, atypical hereditary cellular

or blood traits, ancestry, religion, age, marital status, sex, nationality or because of physical disability that does not interfere with the ability to do the work required, or liability for service in any branch of the armed forces of the United States.

This policy shall be applied to all phases of employment.

Race, creed, color, national origin, ancestry, age, marital status or sex shall be a factor for employment only where it is a bona fide occupational qualification, as provided by law.

The governing body has been designated as the Equal Employment Compliance Officers and will be responsible for the administration of this policy. They shall serve as the focal point for any complaints relating to any allegedly discriminatory practices from employees.

Each department is responsible for the overall equal employment opportunity performance, results and application within his/her department. In addition, each department shall be responsible for ensuring that all services provided by his/her department are performed without invidious discrimination. No department facility shall be used in furtherance of any discriminatory practice, nor shall any department become a party to any agreement, arrangement or plan, which has the effect of sanctioning discriminatory practices. Each department shall critically analyze all of his/her department's operations and functions to ascertain possible instances of non-compliance with this policy and shall initiate a comprehensive program to remedy any defect found to exist.

The Borough will develop programs to facilitate the attainment of goals which have been set to increase the utilization of minorities and women in the Borough, giving due consideration to the population make-up of the Borough.

SECTION 4

POLITICAL ACTIVITY

It is the policy of the Borough that the employment of any employee shall be without regard to political activities. However, employees shall not directly or indirectly use or seek to use their authority or the influence of their position to control, modify or alter the political action of another person or persons. Employees during working hours shall not engage in political activity.

ARTICLE II

CODE OF ETHICS

SECTION 1

GENERAL STANDARDS

Under our democratic form of government, public officials and employees should represent all segments of society. Citizens who serve in our government cannot, and should not, be expected to be without personal interest in the decisions and policies of the Borough. Meeting the following standards should avoid numerous conflicts of interest, which might bring the Borough into disrepute. (These standards do not represent an exhaustive discussion of potential conflicts of interest, but rather serve to outline common areas of concern.)

Every employee of the Borough shall disclose to the Borough any business transaction or professional activity, financial or other private interest, either direct or indirect, which is or may appear to be in conflict with the proper discharge of his/her official duties. The matter will then be presented to the Mayor and Council for its consideration and decision. The employee must abide by the decision of the governing body.

No employee of the Borough shall accept employment, engage in any business transaction or make any investment which may be detrimental to the Borough or which may interfere in any manner with the discharge of his/her official duties.

No employee shall represent any private interests for the purpose of direct or indirect personal gain before any Borough department, board, municipal court, employee, or litigation to which the Borough is a party.

In the event that any employee has a direct or indirect financial interest in any proposed Borough legislation, he/she shall disclose in the official records of the Borough, the nature and extent of such interest.

No employee of the Borough shall improperly use his/her official position in order to obtain a personal benefit from any person whatsoever.

ARTICLE III

PERSONNEL ACTIONS

SECTION 1

HIRING POLICY

It is the policy of the Borough of Sussex to hire the person who will best help the Borough achieve its public service goals.

Whenever a vacancy exists within any of the municipal departments, the Municipal Clerk shall post notice of the vacancy in the Municipal Building for at least seven (7) days and shall advertise the vacancy in a newspaper of general circulation in the Borough for at least three (3) days.

Professional associations and/or employment agencies may be utilized as needed to obtain qualified applicants for the position. The Borough shall also review the qualifications of persons interested in employment with the Borough who have already completed the Borough's standard application form.

After interviews are conducted by the Municipal Clerk and with the appropriate department head, the Municipal Clerk shall recommend an applicant to fill the vacancy to the Mayor. Except in emergent circumstances, the Mayor shall solicit comments and recommendations for the Borough Council. The Mayor shall have the final decision for all positions, except Officers, where the Governing Body shall make the final selection.

The Finance Office and Treasurer will then be notified by the governing body of the appointment and terms of the individual's employment.

Normally when filling a position, first consideration will be given to the promotional opportunities of present employees who possess the necessary qualifications and/or experience required for the position. However, in all cases the most qualified applicant within the resources and conditions set for the position by the Borough will be selected to fill that position.

A new employee shall be paid at the minimum of the approved salary grade for the position to which appointed, unless otherwise acted upon by the Mayor and Council.

On or before the starting date, each employee shall complete the necessary forms for withholding, insurance, pension, and any other forms which may be required. Each employee will be given a current copy of the Personnel Manual.

SECTION 2

EMPLOYEE STATUS DEFINITIONS

PERMANENT FULL-TIME

A permanent employee appointed to a Borough position who has served the requisite probationary period, who regularly performs specified duties each week for thirty-five (35) or more, exclusive of the one-hour lunch period, and who is eligible for all rights and benefits.

PERMANENT PART-TIME

A permanent part-time employee appointed to a Borough position who has served the requisite probationary period, and who regularly performs specified duties each week for less than thirty five (35) hours, exclusive of the one hour lunch period, and who is ineligible for benefits.

SEASONAL/TEMPORARY

An employee hired for seasonal or temporary work, either full-time for a fixed period or part-time for a fixed period, and who is ineligible for benefits.

SECTION 3

MEDICAL EXAMINATIONS

The Borough Clerk may, in his/her discretion and at the advice and consent of the governing body, require any prospective employee of the Borough to undergo a job-related medical, psychological and psychiatric examination, as well as drug/alcohol testing, by a licensed physician designated and paid for by the Borough.

The Borough Clerk may, in his/her discretion and at the advice and consent of the governing body, require any current employee to undergo a medical, psychological and/or psychiatric examination, as well as drug/alcohol testing by a licensed physician designated by the Borough for the purpose of establishing the employee's ability to perform the duties of a position. The Borough shall pay the cost of the examination.

The physician's medical report/certification will become a permanent part of the employee's personnel file.

A prospective or current employee's refusal to undergo the examination(s) or failure of said examination(s) may be considered just cause for denying the individual employment, promotion, transfer or training.

SECTION 4

PERSONNEL RECORDS

The Borough Clerk shall provide that adequate personnel records are maintained for each employee of the Borough of Sussex. These records shall be kept in the Borough Clerk's Office and shall include applications, dates of appointments and promotions, job titles, salaries, commendations, evaluations, training, disciplinary actions, amounts of leave accrued and used, and other related matters. These records are of a confidential nature and are only available for review by the employee. Only the Borough Clerk's files are the official record of performances. Department heads are responsible for providing the Borough Clerk with timely updates.

Employees and department heads wishing to review personnel files will arrange with the Borough Clerk's office for an appointment in advance. All reviews of a personnel file by the employee will be done in the presence of the Borough Clerk or his/her designee.

However, the Borough reserves the right to remove such records as medical, psychological and psychiatric examinations, pre-employment inquiries; and background investigations, prior to review of the folder contents by the employee.

An employee who is in disagreement with information contained in his/her personnel file may make written request to the Borough Clerk to correct, amend or update such information. Upon receiving such a request, the Borough Clerk shall, within ten (10) working days of receipt of the request, take either of the following actions:

1. Correct or eliminate any information considered by the employee to be incomplete, inaccurate, irrelevant or untimely; or
2. Inform the employee of the Borough Clerk's refusal to amend the record in accordance with the employee's request, and the reason for such refusal. If the request is refused, the employee shall be permitted to add to his/her personnel record a concise statement setting forth the reasons for his/her personnel disagreement with the refusal. Thereafter, in any future disclosures made to outside agencies concerning information made about which employee is in disagreement, the Borough Clerk shall include a copy of the employee's statement, and if deemed appropriate, a concise statement of the reason why the Borough Clerk did not make the changes requested.

Employees are not permitted to take a personnel folder from the Borough Clerk's office, nor are they permitted to remove any documents from or add any documents to a folder. Materials/documents are included/deleted from the folder subject to the approval of the Borough Clerk.

SECTION 5

CHANGING VITAL INFORMATION

It is the employee's responsibility to notify the Borough Clerk of any change of vital information as listed below:

- A. Name
- B. Address.
- C. Telephone number.
- D. Change in status for health programs.
- E. Change of beneficiary on pension policy.
- F. Deductions to be included on W-4 Form.
- G. Person to contact in an emergency.

The employee must either personally inform or provide written notification to the Borough Clerk of any changes to be made in the employee's vital information. This information shall be inserted into the employee's personnel file. The Borough Clerk shall notify the Treasurer and Finance Office of all changes.

Any changes in the status of payroll deductions shall be accomplished by the employee personally delivering or providing written notification/documentation of such changes to the Finance Office.

SECTION 6

PROBATIONARY PERIOD

There is established a probationary period of no less than six (6) months and up to one (1) year. Written performance evaluations will be conducted by the department head after six (6) months. The evaluations will be submitted to the Borough Clerk and Mayor and Council and will be contained in the employee personnel file.

Probation may be extended for an additional six (6) months if performance is marginal, an evaluation in written form, signed by the employee will be made to the

Borough Clerk for submission to the Mayor and Council within ten (10) working days prior to the end of the probation period for review and placed in the personnel file if approved for permanent appointment. An employee may be dismissed without recourse during the probationary period for reasons relating to the employees' qualifications and/or job performance.

SECTION 7

RESIGNATION

An employee who wishes to resign is required to give at least ten (10) workdays written notice to the governing body. All resignations will be reviewed and accepted by the Mayor and Council.

If an employee resigns without giving the required notice, the employee shall be considered as having "resigned – not in good standing" and will neither receive payment for any accrued vacation leave, nor be considered for re-employment, nor receive a favorable job reference.

SECTION 8

RETIREMENT

The Public Employees Retirement System is administered by the New Jersey Division of Pensions, Department of the Treasury. Any active member who retires will be entitled to the benefits of the retirement system based on a formula involving years of service and salary average.

An employee contemplating retirement shall give written notice of his/her impending retirement to the governing body at least twelve (12) months before retirement. The Borough Clerk will submit to the governing body an accounting of any benefits accrued by the employee before the Finance Department is authorized to issue a final paycheck. Also, before the final paycheck is issued, it will be the responsibility of the department head to certify in writing to the governing body that any Borough property with which the employee was entrusted has been returned.

The employee should apply to the Public Employees Retirement System at least three (3) months prior to retirement to effect a smooth transition from receipt of a Borough paycheck to receipt of retirement benefits.

SECTION 9

REDUCTION IN FORCE

The Mayor and Council may lay off an employee for purposes of efficiency or economy, or other valid reasons requiring a reduction in the number of employees.

All employees will be given a minimum thirty (30) days written notice in advance of the lay-off.

All employees laid off because of economic conditions will be given first preference if the position is reinstated.

SECTION 10

REHIRING FORMER EMPLOYEES

The decision to rehire a former employee is based upon his/her past employment record and reasons for leaving the position.

Consideration for rehire will not be given except under special circumstances.

A special circumstance may include, but is not limited to, the following:

1. Return to college or technical institute for higher level of education.
2. Health reasons.
3. Military service.
4. Part-time, seasonal or temporary work.
5. Lay- off.

SECTION 11

DISCIPLINARY ACTION

Regulations for the acceptable conduct of employees are necessary for the orderly operation of the Borough business and for the benefit and protection of the rights and safety of all Borough employees. These regulations and procedures, and others which may be published from time to time, are published to promote an understanding of what is considered unacceptable conduct and to encourage consistent action in the event of violations.

The Borough Clerk, at the advice and consent of the Mayor and Council, may warn, demote, suspend, place on probation or dismiss an employee of the Borough for just cause.

- A. Just cause sufficient for disciplinary action shall include but is not limited to a violation of any provision of this Manual, or the following:
 - 1. Neglect of duty.
 - 2. Absence without leave or failure to report after such leave has been disapproved or revoked.
 - 3. Incapacity due to mental or physical disability; incompetency; or inefficiency.
 - 4. Insubordination or breach of discipline.
 - 5. Being under the influence of alcohol or drugs while on duty.
 - 6. Indictment or conviction of a criminal act.
 - 7. Participation in any political activity prohibited by Federal, State or Municipal ordinances.
 - 8. Conduct unbecoming a public employee.
 - 9. Excessive or chronic absenteeism and/or tardiness.
 - 10. Repeated violations of safety rules.
 - 11. Incompetence, carelessness.
 - 12. Inefficiency.
 - 13. Falsification of records or reports.
 - 14. Aiding or abetting in falsification of records.
 - 15. Poor attitude towards the public.
 - 16. Misrepresentation to the Borough.
 - 17. Inability to work required hours or operate required equipment.
 - 18. Violation of other published work rules.

B. Whenever an employee commits an offense warranting disciplinary action, the Borough Clerk may, in conjunction with the Department head, begin disciplinary action depending on the seriousness of the offense committed:

1. Oral Warning: If offense is minor in nature, the Borough Clerk shall inform the employee of the complaint and shall attempt to resolve the matter by discussing the infraction with the employee. If the matter can be satisfactorily resolved, the Borough Clerk may consider the matter closed. The Borough Clerk will, by memo, inform the Mayor and Council and the Department Head. The Borough Clerk will place the memo in the employee's Personnel file.

2. Written Warning: If the infraction is of such a nature that the Borough Clerk determines it should be committed to a formal writing, a written memo stating the nature of the infraction and comments by the Borough Clerk will be forwarded to the Mayor and Council. A copy of the memo shall be provided to the employee. Within seven (7) working days of receipt of the memo, the Mayor and Council will schedule a meeting between the employee and the Borough Clerk. A review of the situation will be made and a decision as to the warranting of any further discipline rendered by the Mayor and Council. A written report of the meeting of the action taken, if any, will be made and a copy shall be provided to the employee and the Department Head.

3. Discharge.

Suspension, demotion, or probation are additional disciplinary actions to be utilized at the discretion of the Borough Clerk and governing body.

C. Should the employee be dissatisfied with the decision of the Borough Clerk, he/she may utilize the Borough's grievance procedures.

ARTICLE IV

SECTION 1

COMPENSATION

The Mayor and Council reserve the right to pay a salary to any new employee at any rate or salary between the minimum and maximum salary and or hourly range provided for such office or position and not necessarily the minimum salary or hourly rate. Salaries shall be paid in the manner and at the times so designated.

Paychecks are issued bi-weekly by the Payroll Clerk and shall be issued on Friday of the payroll week, with the exception of various part-time positions, whose paychecks shall be issued on a monthly basis. The Mayor and Council shall receive their paychecks on a quarterly basis. When the normal day for distribution of the checks falls on a holiday, the Borough will issue checks on the last preceding workday.

Mandatory deductions include the following:

- A. Federal and State Income Tax.
- B. Social Security (F.I.C.A.)
- C. Unemployment Compensation Insurance.
- D. Pension (P.E.R.S.)
- E. State Disability Insurance.

Authorized deductions may include contributions pursuant to the payment of loans borrowed against an employee's pension.

Questions concerning the paychecks should be directed to the Finance Department.

SECTION 2

CREDIT INFORMATION

Any verification of employment information concerning an employee's status will be furnished by the Borough only upon written request from the inquirer and written release by the employee.

All requests for any release of information regarding any employee will be handled through the Finance Office, with a copy to the Borough Clerk.

ARTICLE IV

SECTION 3

OVERTIME

ADMINISTRATIVE/OFFICE

Employees will work the hours as dictated by the requirements of the job title and job description, such as attendance at meetings, collection of taxes, voter registration, items to be accomplished prior to specific deadline or any other function that may be required in the process of Borough government. No overtime will be paid without prior approval of the Administrator at the advice and consent of the governing body.

Exempt from overtime entitlement are executive, administrative and professional employees as defined by the Fair Labor Standards Act, unless otherwise provided for in a contractual agreement.

Whenever an employee is required to work on a Borough designated holiday, authorized overtime compensation shall be computed at an hourly rate equal to time and one-half for time actually worked plus one day's straight time pay for the holiday as such.

DEPARTMENT OF PUBLIC WORKS

A. Certified Public Works Manager.

All hours worked over the scheduled work week of forty (40) hours will be paid at one and one half (1 ½) times the regular rate of pay.

B. All other Department of Public Works employees:

- (1) All hours worked over the scheduled work week of forty (40) hours will be paid at one and one half (1½) times the regular rate of pay or granted in compensatory time off, at the same rate.
- (2) In an emergency call out and emergency extension, approved by the Certified Public Works Manager, Foreman of Public Works, or D.P.W. Committee of the Mayor, the rate of pay will be one and one half (1 ½) times the regular rate of pay. All emergency call outs and emergency extensions shall be for a minimum two hours, at one and one half (1 ½) times the regular rate of pay.
- (3) An emergency is defined by the following: floods, hurricanes, snow storms, icy streets, street hazards, water main or sewer problems, or other similar conditions that require immediate attention on weekends, holidays, after or before the hours of the normal workday.

- (4) No employee will be called out after regular working hours without notification and approval of the Commissioner, Public Works Manager or the DPW Foreman.
- (5) Employees working under emergency conditions shall be entitled to a meal allowance of five (\$5) dollars of each six (6) hour period worked between the hours of 6:00 p.m. and 6:00 a.m.
- (6) Employees who are assigned as the On Call Employee shall be compensated at the rate of two (2) hours pay for each evening of the assignment.

ARTICLE V

SECTION 1

HEALTH BENEFITS

Each full-time employee, who has been employed continuously for sixty (60) days, shall be entitled to paid health insurance benefits, including prescription and dental insurance, in accordance with the following schedule:

Years 1 through 5	The Borough will pay 100% of the cost of NJ Plus health insurance for the employee only. The employee will have the opportunity to enroll family members and have the additional cost for family coverage deducted from payroll. Additionally, the employee may opt for other available health insurance and have the differential cost deducted from payroll.
Year 6 and Beyond	The Borough will pay 100% of the cost of NJ Plus health insurance for the employee and family members. The employee may opt for other available health insurance and have the differential cost deducted from payroll.

Initial enrollment for the benefit plan is handled through the Finance Office. Claims must be filed by the employee.

Any employee, who is eligible for the Borough to pay for health insurance under this policy, may decline coverage provided that they have health insurance from another source. If an employee who is eligible for Borough paid health insurance and declines coverage under this paragraph, the employee shall be paid for a stipend of \$1,500 for employees who would be eligible for employee only coverage and \$3,000 for employees who would be eligible for family coverage.

Any member of the Governing Body may elect to be enrolled in the Borough's Health Insurance Plan subject to any restriction of the Plan and provided that they reimburse the Borough for the actual cost of the coverage elected. The reimbursement shall be due within 30 days of payment by the Borough to the Plan.

SECTION 2

PENSION PLAN

All permanent full time employees and permanent part-time that make in excess of \$1,500 per annum are required to enroll in the Public Employees Retirement System (P.E.R.S.) within thirty (30) days of employment.

The {Payroll Clerk's} Finance Office's office will enroll new employees in the system. The percentage of salary an employee must contribute to P.E.R.S. is determined by the System. An employee's contribution will be deducted from his/her paycheck and noted on the pay stud. The yearly contribution of the Borough is determined by the system.

SECTION 3

EMPLOYEE EDUCATION

The Borough of Sussex encourages employees to undertake training courses that will enable them to better perform the duties of their positions.

Among the various types of education opportunities available to permanent full-time employees are the following:

1. The Borough will provide reimbursement for 100% payment of employee's tuition costs required in order to obtain/maintain certification, licenses, and/or registrations needed to perform the duties of his/her current position. Upon completion of the course, employee must provide proof of successful completion to receive reimbursement of the tuition costs.
2. The Borough will provide for 50% of an employee's tuition costs upon satisfactory completion of any Borough approved course which will increase an employee's value to the Borough, but does not fall under the above category.
3. The Borough will provide for payment of registration fees (food and lodging where applicable) for employee's attendance at Borough approved conferences, workshops, seminars, and professional meetings.

Payment for courses, conferences, seminars and workshops referred to in categories 1 through 3 are subject to the prior approval of the Borough Clerk and the Mayor and Council.

If employee works in more than one (1) municipality, Sussex Borough will reimburse a pro-rated portion of allowable expenses.

In the event an employee of the Borough of Sussex receives tuition reimbursement from the Borough of Sussex pursuant to category 1 and/or 2 referenced above and the employee leaves the employ of the Borough of Sussex for employment elsewhere at any time within a two (2) year period from the date of the successful completion of any Borough approved course, then and in such event, the subject employee shall reimburse the Borough of Sussex for the tuition costs incurred by the Borough of Sussex on a monthly pro rata basis, computed on a total of twenty four (24) months, commencing with the first month of resignation from employment with the Borough of Sussex. For example, if the subject employee leaves employment with the Borough of Sussex within the first month after the successful completion of a course referenced in category 1 and/or 2 above, he/she would be responsible for 100% or 24/24 reimbursement to the Borough; during the second month, the reimbursement would be in the amount of 23/24 tuition costs incurred by the Borough; during the third month, the reimbursement would be in the amount of 22/24 with respect to the costs incurred by the Borough; etc. and during the last and 24th month, the reimbursement to the Borough of Sussex would be in the amount of 1/24 of the costs incurred by the Borough. Any of such reimbursements to the Borough of Sussex pursuant to this paragraph shall be made by deducting the amount of the applicable reimbursement costs incurred by the Borough of Sussex from the employee's final paycheck. This paragraph shall not apply to any employees who permanently retire from the employment of the Borough of Sussex and who do not seek employment elsewhere within the subject two (2) years.

SECTION 4

DISABILITY

The Borough of Sussex provides disability compensation through the State of New Jersey for employees if they suffer a disability due to a non-job related injury, illness or accident.

Eligibility for disability insurance payments is subject to certification by the employee's physician to the Administrator of the Borough of Sussex. Application to receive benefits must be made to the State of New Jersey by contacting the NJ State Office of Unemployment and Disability Insurance. Method of payment and amount of benefit is subject to State of New Jersey applicable rules and regulations.

Upon returning from work after an excused disability absence, the employee will be placed in the position he/she held prior to the disability, if he/she is able to perform the job and was not affected by a reduction in force during the leave. However, if upon returning to work the employee is under a temporary medical restriction which prevents him/her from performing the essential functions of the former job, the employee will be considered for temporary assignment to an alternative job until the medical restriction is lifted. If there is no such alternative work available, the employee may be placed on layoff for lack of suitable work. When the medical restriction lapses; the employee may then return to his\her former position or a comparable position.

SECTION 5

WORKMAN'S COMPENSATION

The Borough of Sussex provides Workman's Compensation Benefit pursuant to the pertinent provisions of the New Jersey Workman's Compensation Act, namely, N.J.S.A. 34:15-1 et seq and officers and employees shall only receive their compensation benefits from the New Jersey Division of Worker's Compensation while they are absent from their respective employment duties with the Borough of Sussex.

Additionally, any such officer or employee shall not receive any other supplemental salary from the Borough of Sussex while collecting Worker's Compensation Benefits.

*NOTE-See also Article VIII - Section 11
Job Incurred Injury/Accident

SECTION 6

LONGEVITY

The longevity program shall be based upon a permanent full-time employee's date of permanent appointment and length of uninterrupted service.

Longevity shall be provided in accordance with the following schedule:

Five (5) Years + One (1) Day	\$ 600.00
Ten (10) Years + One (1) Day	\$1,200.00
Fifteen (15) Years + One (1) Day	\$1,800.00
Twenty (20) Years + One (1) Day	\$2,400.00
Twenty Five (25) years + One (1) Day	\$3,000.00

Longevity pay that is due will be divided into equal amounts and paid in addition to the regularly scheduled pay of the employee.

NOTE: All employees hired prior to January 1, 2006 and receiving longevity pay in excess of the current schedule will maintain their current level until the employee reaches the next level as per the above listed schedule.

SECTION 7

TENURE

DEPARTMENT OF PUBLIC WORKS

The person holding the office position and employment as full time Certified Public Works Manager and which said position is required by New Jersey State Statute, shall be entitled to tenure as set forth in New Jersey State Statute which regulates that particular position.

ADMINISTRATION/OFFICE

All persons holding office to an appointed position and which said position is required by New Jersey State Statute shall be entitled to tenure as set forth in New Jersey State Statute which regulates that particular position.

ARTICLE VI

SECTION 1

HOURS OF WORK

Regular hours of work and the workweek vary among the departments as follows:

1. Office/Administration
8:30 a.m. – 4:30 p.m.
Monday through Friday
One (1) hour lunch
2. Public Works
7:00 a.m. – 3:30 p.m.
Monday – Friday
One half (1/2) hour lunch
3. Court
8:30 a.m. – 12:00 p.m.
Monday – Friday
One (1) hour lunch

Employees will work the hours as dictated by the requirements of the job title, such as attendance at meetings, collection of taxes, voter registration, items to be accomplished prior to a specific deadline or any other function that may be required in the process of Borough government.

Accurate and complete time and attendance will be maintained on a bi-weekly basis by each employee. Employees will file their time sheets directly with the Finance Department.

SECTION 2

ATTENDANCE/ABSENCE WITHOUT LEAVE

Regular and punctual attendance of employees is essential for the efficient operation of the business of the municipality.

Employees are required to be present and ready for work at their designated work stations at the specified starting times and until the specified stopping time, unless otherwise authorized.

Unsatisfactory attendance includes abuse of sick leave, excessive absenteeism, continual absences that precede or follow regular scheduled days off or holidays, and continual tardiness.

Abuse of the attendance policy may be cause for disciplinary action.

Any permanent full-time employee or permanent part-time employee who is late three (3) times in one pay period without authorization will be subject to progressive discipline beginning with an oral warning.

Employees must notify their department heads within thirty (30) minutes of their starting time if they are going to be absent or late on a particular day.

Any permanent full-time or permanent part-time employee who is absent from duty for one (1) workday without authorized leave of absence will be docked pay for the day he/she was absent without leave. On the second offense, the employee is subject to termination.

SECTION 3

OPERATION OF VEHICLES/LICENSING

Section 1. Operation of vehicles on Borough Business: License required. No employee shall drive either a Borough motor vehicle or any other motor vehicle on Borough business without having in his or her possession a current New Jersey driver's license. Such license shall be exhibited to any department head upon request.

Section 2. Suspension or Revocation of License: Effect. Any employee whose duties require the driving of a motor vehicle or other vehicle requiring any type of driver's license, whose driver's license is suspended or revoked, shall be subject to suspension from employment for the period of the suspension of his driver's license or if his license is revoked, his employment may be terminated. A suspension of license for a period of longer than one month may be treated as a revocation and employment may be terminated.

Section 3. No employee shall operate a Borough vehicle for his/her personal use. Any employee required to take a Borough vehicle out of the immediate Sussex County area must request permission from the Borough Administrator and/or Department Head prior to any such trip.

Section 4. Any employee who drives a Borough motor vehicle as part of their employment with the Borough shall provide the Borough Clerk with a copy of his/her current New Jersey driver's license upon request. The Borough Clerk shall request an abstract from the New Jersey Motor Vehicle Agency on an annual basis.

A violation of this section may be cause for suspension or termination upon a proper hearing.

SECTION 4

UNIFORMS

The Borough shall furnish appropriate uniforms and footwear to the employees of the Department of Public Works. They will be worn only while working for the Borough and at no other time. They will remain the property of the Borough.

Employees shall be responsible for damage or loss of Borough property and/or equipment caused by their negligence. In any event, any damage or loss to Borough property and/or equipment shall be reported immediately to the Public Works Manager and the Borough Clerk.

Upon termination of employment an employee shall return to the Borough any uniforms or footwear, equipment and/or property assigned to the individual before the issuance of a final pay check.

Replacement of uniform items will not be made prior to two years after becoming a permanent employee and every two years thereafter. Items will be inspected upon turn in and a determination will be made prior to the issue of a new item that it was worn out through normal wear on the job or by negligence. If it is determined that the cause is negligence on the part of the employee, a new issue will be charged to the employee.

After three (3) years of continuous employment, the Borough will furnish appropriate footwear, consisting of one (1) pair of insulated waterproof work boots and one pair of uninsulated work boots. Replacement of footwear will be every year thereafter. The cost of boots to be reimbursed shall not exceed \$150.00 per pair.

SECTION 5

DRUGS AND ALCOHOLIC BEVERAGES

Any employee using illegal drugs or drinking alcoholic beverages while on duty will be discharged.

Any employee appearing for work during a non-normally scheduled work period, who is deemed by the supervisor to be under the influence of illegal drugs or liquor, may not work and will receive no compensation for the time.

Any employee using illegal drugs or drinking alcoholic beverages at a Borough work-site will be discharged.

The Borough may require any employee to undergo medical testing pursuant to Article III, Section 3, entitled "Medical Examination."

SECTION 6

DRESS REGULATIONS

The Borough of Sussex enjoys an excellent reputation among its citizens. While there are many reasons for this reputation, one of the ways to help maintain it is for all staff to present a professional image to the public. It is important that the public have confidence in the staff and the staff members have confidence/pride in themselves when transacting business. To help present this image and foster public confidence, staff members must dress appropriately for their work assignment. Supervisors will discuss inappropriate dress with individual staff members.

Guidelines

Staff will wear clean and well-maintained attire appropriate to the type of work they do. Shoes are required and must also be well-maintained. Good grooming is required.

In compliance with this policy, the following are examples of unacceptable attire:

- torn, patched/faded clothing
- halter tops
- tube tops
- tank tops (unless covered by a blouse, jacket or sweater)
- spaghetti-strap tank tops (unless covered by a blouse, jacket or sweater)
- muscle shirts
- strapless sun dresses
- shorts or skorts
- any undergarment being displayed or worn as outerwear
- skirts shorter than mid-thigh (denim skirts are acceptable)
- jeans
- shirts with slogans or large-letter advertising
- sweat suits/warm-up suits; sweat pants
- thong-type sandals

- sneakers

Because of varied work assignments and working conditions, it is not practical to establish specific and absolute criteria as to what is or is not appropriate dress.

Uniformed employees must be in uniform during working hours.

SECTION 7

EMPLOYEE SAFETY

It is the Borough policy to provide safe working conditions for all employees, to provide complete instructions covering safe working methods and to make available that special equipment required by law to protect employees against particular hazards.

It is the obligation of each employee to observe the safety regulations, to use the safety equipment provided for him/her and to practice safety at all times.

An employee who fails to utilize safety equipment as required will be subject to disciplinary action.

The wearing of bracelets, rings and other jewelry when working around machinery is prohibited.

SECTION 8

GRIEVANCE PROCEDURE

It is the policy of the Borough of Sussex that every employee at all times is treated fairly, courteously and with respect. Conversely, every employee is expected to accord the same treatment to his/her associate, supervisors and the public.

We encourage you to bring to your department head's attention, and through your department head to the attention of other members of management, your ideas and suggestions to improve our operation. Please develop a habit of discussing your ideas and suggestions with your department head. Check back with your department head on progress and development.

The employee programs, wages and working relationships are intended to permit you to achieve genuine personal satisfaction and growth through your work. However, in any group of people working together, honest differences of opinion regarding working conditions or other matters will arise from time to time. If ever you feel that you have a problem or complaint, discuss it with your department head. You can expect and will

receive fair and courteous consideration and a prompt reply. It is our firm belief that anyone having a complaint must have the opportunity to be heard and to have any discrepancy resolved without fear of recrimination or penalty.

Although most misunderstandings can and should be solved on an informal basis with your department head, more formal provisions have been created to resolve difficult problems. A grievance is defined as a disagreement or dispute between an employee and the Borough concerning the terms of employment. That procedure for presenting a grievance is as follows:

Step One: The grievance shall be presented in writing and shall be taken up by the aggrieved employee with his immediate department head within five (5) workdays of the occurrence being aggrieved. The department head shall answer the grievance in writing within five (5) workdays, with a copy to the Borough Clerk.

Step Two: If the grievance is not satisfactorily resolved in Step One, it shall be referred in writing within five (5) workdays of the department head's response to the Borough Clerk for further review. A meeting will be held between the Borough Clerk, department head and the aggrieved employee within five (5) workdays of the Borough Clerk's receipt of the submission.

GRIEVANCE PROCEDURES CONT'D.

The answer of the Borough Clerk shall be in writing and shall be sent to the aggrieved employee by certified mail within five (5) workdays of the meeting with a copy to the Department Head.

Step Three: If the grievance is not satisfactorily resolved in Step Two, the grievance together with all related documentation will be submitted to the Borough Council for a formal hearing within ten (10) workdays of receipt by the employee of the Borough Clerk's response. The Borough Council will render a written decision within fifteen (15) workdays of the hearing. Said decision shall be memorialized in a resolution setting forth the Council's findings and conclusions within forty-five (45) workdays of the date on which the Council's decision was rendered with a copy to the Department Head.

All papers and documents pertaining to the grievance shall be placed in the employee's file.

SECTION 9

PUBLIC WORKS TIME CLOCK PROCEDURES

- Objective:** To ensure an accurate record of staff attendance and time worked for proper compensation.
- Policy:** All public works staff must clock in and out using only approved time clocks. It is the staff member's responsibility to clock in and out and to report any problems to their supervisors. Supervisors will determine the employee's work hours and the appropriate time clock to use.
- Procedure:**
1. Staff will use their own time cards to clock in and out. Staff will clock in and out only at the approved time clock. Staff who do not clock in and out will be subject to disciplinary action.
 2. It is the responsibility of each staff member to monitor time card punches and to advise their supervisor immediately of any problems with their time card or the time clock. If the supervisor determines there are problems with the time clock, the supervisor should record the staff member's time and report the problem immediately to the Clerk or Deputy Clerk, for repair.
 3. Staff members must notify their supervisors immediately of their inability to clock in/out due to a lost time card. The supervisor will maintain a record of the staff member's time for editing. If the time card is lost the staff member should request a replacement from their supervisor.
 4. Staff will not receive a hand drawn check for failing to appropriately report any problems outlined above. However, staff will be paid on the next regular pay period as late pay.

5. Staff must have previous supervisory approval to receive overtime. This includes pre-approval to work through lunch. Supervisors will be responsible for documenting whether the staff member had permission to clock in early or out late and why. Staff members who clock in, without permission, more than five minutes before the start of their shift or more than five minutes after their shift ends, will be subject to disciplinary action.

6. Staff cannot clock in or out for another staff member. Any staff member who clocks in/out for another employee or gives their time card to another employee to clock in and out for them will be subject to discipline, up to and including termination.

7. At the discretion of the supervisor/manager, a staff member not at their assigned work location on time can be considered to be tardy despite having “clocked in” on time.

DISCIPLINE GUIDELINES:

- For this policy, occurrences are defined as portraying a pattern of failing to clock in or out, losing a time card which results in not clocking in or out, clocking in early or out late without supervisor permission, failing to notify a supervisor of a time clock problem. Six occurrences within a six (6) month period of time will result in the beginning of the progressive disciplinary process, which will be considered a verbal warning.
- Written Warning: Two occurrences within the next six (6) months will result in a written warning.
- Suspension: Two additional occurrences within the next six (6) months will result in suspension without pay.
- Termination: Staff members who incur two additional occurrences within the next six (6) months will be terminated.
- Depending on the seriousness of the act, the supervisor may indicate a diversion from the normal progressive disciplinary steps. Staff who exhibits a pattern of occurrences may be subject to disciplinary action if the total number of occurrences has not reached the normal disciplinary process level.

SECTION 10

WINTER CALL OUTS – REQUESTS AND RESPONSES

DEPARTMENT OF PUBLIC WORKS STANDARD OPERATING PROCEDURE

All DPW employees are expected to be available during winter months for call outs, unless they have received prior authorization for vacation time, personal time, or unless their response is not possible due to illness or injury with a confirming note from a doctor. All DPW employees should be ready to respond to a call out during inclement winter weather, and/or the forecast of inclement winter weather.

The DPW Supervisor or Foreman (hereafter referred to as “supervisor”) will telephone or otherwise contact all employees of the Sussex Public Works Department when seeking a response to a call out situation. When applicable, if the entire work force is not required for a response, the supervisor shall contact employees based on the established call out roster, which shall be maintained by the supervisor.

The supervisor when contacting an employee by telephone, seeking a response to a call out request, shall follow the following standard operating procedure:

- 1) The supervisor shall speak directly to the employee, or receive confirmation from a family member, friend, or any other person who answered the telephone, that the employee has received the message and is on his/her way to work.
- 2) If the employee is not home, and the person who answers the telephone cannot confirm that the employee is on his/her way in to work, or if a phone message is left, the message of the supervisor will be: “I (the supervisor) am calling you (the employee) at (specific time) on (specific date). You need to call me at the Garage by (specific time) to confirm that you are available.” The time frame for a response will usually be twenty (20) minutes, but this time frame may vary if an emergency situation requires a quicker response.
- 3) If the employee does not call back within the time frame provided, the supervisor will take action to cover the employee’s route and/or job duties, to protect the safety of the public.
- 4) Even if an employee does not, or cannot, respond to the supervisor’s message within the time frame provided, the employee should call the supervisor as soon thereafter as possible, and find out if the employee’s services are still required. However, the employee must receive a confirmation from the supervisor, or from another employee acting on behalf of the supervisor, to confirm that the employee’s services are still needed, before coming in to work.

When an employee confirms their availability for a call out, and the supervisor authorizes the response, employees are required to respond as quickly as possible. If the response is going to take longer than a half hour to get to the Borough Garage, and/or the site of the emergency response, the employee should inform the supervisor of this time factor when speaking on the phone, so the supervisor can make an informed decision about covering the route and/or emergency response until the employee can be present.

WINTER CALL OUTS – MAXIMUM PLOWING HOURS

STANDARD OPERATING PROCEDURE

In order to ensure the health and safety of DPW workers who are plowing roads during the winter, the Borough establishes the following sleep/rest guidelines:

1. Before beginning any assignment to operate a vehicle for snowplowing, the employee must confirm to the DPW supervisor that he or she has had adequate sleep in the 12 hour period prior to the scheduled shift. “Adequate” shall generally mean at least 4-6 hours within the 12 hour period prior to the shift, but shall depend on the circumstances.

2. No employee shall be scheduled to drive a vehicle for snowplowing for more than a 12 hour shift. In the event of an emergency, the shift **may** be extended to a maximum of a 16 hour shift provided the employee confirms that he or she had adequate sleep in the 12 hours prior to their shift.

4. Under no circumstances shall an employee operate any vehicle or heavy machinery if they have not slept in the past 24 hours.

SECTION 11

CELLULAR TELEPHONE POLICY

This Policy establishes guidelines for the appropriate use of cellular telephones. It applies to all full and part-time employees of the Borough. It applies to the use of Borough-issued cellular telephones, as well as cellular telephones owned as personal property of an employee or any other individual, that may be used during the course of an employee while on duty.

Cellular telephones, including text messaging and photography, shall only be utilized for official municipal business, in the direct support of assigned duties and responsibilities of users. Employees shall exercise common sense and good judgment in the personal use of cellular telephones. Users of cellular phones are required to comply with all municipal policies.

The Borough recognizes that occasional personal use of a cellular telephone may be necessary to address a family crisis or urgent need. Such emergency use is permitted only as limited to such purposes.

Employees are expected to refrain from using their cellular phones while driving for municipal purposes. If use of a cellular phone while driving is required, it shall only be with the use of a hands free device.

Inappropriate use of cellular telephones, including features such as text messaging and camera capabilities, is strictly prohibited and subject to disciplinary action including termination of employment as provided by Borough policies.

ARTICLE VII

LEAVES OF ABSENCE

SECTION 1

HOLIDAYS

The following twelve (12) official holidays shall be observed by the Borough, unless an alternate or additional day of observance is directed by the Mayor and Council:

NEW YEARS DAY	COLUMBUS DAY
MARTIN LUTHER KING DAY	VETERANS DAY
PRESIDENTS DAY	THANKSGIVING DAY
GOOD FRIDAY	DAY AFTER THANKSGIVING
MEMORIAL DAY	CHRISTMAS DAY
INDEPENDENCE DAY	
LABOR DAY	

If a holiday falls on Saturday, it will be celebrated on the preceding Friday. If a holiday falls on a Sunday, it will be celebrated on the following Monday.

In the event that one of the above holidays falls within an employee's vacation period, the day will not be charged against the employee's vacation entitlement.

Holidays do not accrue during any leave of absence, paid or unpaid. An employee's eligibility for a paid holiday requires the employee to work his/her regularly scheduled workday before and after the holiday.

Any hourly employee required to work on a holiday may be paid one and one half (1 ½) times the employee's regular rate of pay, plus the regular days holiday pay, or may receive the equal time in compensatory time, which must be utilized within twelve (12) months of which said time was accrued. A holiday will be determined to occur from 12:00 a.m. to 12:00 p.m. on the day of observance. Any salaried employee required to work on a holiday will receive one and one half (1 ½) days of compensatory time, which must be utilized within twelve (12) months of which said time was accrued.

SECTION 2

VACATIONS

Each officer and employee who has been employed continuously for one year by the Borough shall be entitled to a vacation with pay during each year of continuous employment in accordance with the following schedule:

Years 2 – 5	Ten (10) days benefit
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Years 6 – 15	Fifteen (15) days benefit
Years 16 & Beyond	Twenty (20) days benefit

The Mayor and Council shall have absolute discretion in selection and preparation of vacation periods and vacation lists.

Years are defined to commence on the first day of the calendar year and end on the last day of the calendar year.

If an official holiday falls during an employee vacation period, an additional day of vacation will be granted in lieu of the holiday.

All vacations must be taken during the calendar year and may not be accumulated. However, if an employee is unable to utilize their full vacation entitlement because of the needs of the department, a maximum of one vacation week (5 workdays) shall be carried over into the following year. This leave must be used in that year or will be forfeited. Requests to carry over unused vacation days into the following year must be submitted to the department head, in writing, no later than December 1. Failure to do so will result in automatic denial of the request. The department head will respond in writing to the request within ten (10) workdays of its receipt. The Borough Clerk must approve all department heads vacation.

In the case of a conflict in vacation schedules, the first request submitted will receive priority approval. In case of further conflict, an employee's length of cumulative service with the Borough will be used to determine preference. However, in every instance, proper staffing of the department must take precedence over all other considerations in scheduling vacations.

Requests for half-day and single-day vacations should be submitted at least three (3) workdays in advance to the department head. The minimum of vacation that can be taken at one time is one half day.

The Borough and/or its Supervisors reserve the right to reschedule any employees' vacation time or any other time off by reasons of the requirements of Borough business or the general safety and welfare of the residents of the Borough.

SECTION 3

SICK LEAVE

Sick leave covers absence from work due to illness, accident or exposure to a contagious disease.

Sick leave is earned according to the following schedule:

From January first after probationary period:	Four (4) working days
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From January first after second year of service:	Six (6) working days
From January first after fifth year of service:	Eight (8) working days
From January first after tenth year of service:	Twelve (12) working days

If any employee is absent from work due to an illness for a period of three (3) consecutive workdays or more than seven (7) days in any calendar year, or if the Borough Clerk determines there is good cause shown, the employee may be required to furnish medical documentation from his/her physician, supporting the need for the employee's absence from work.

Failure of an employee to submit such evidence could result in the sick leave being disapproved and the absence charged to "absence without pay". Nothing herein shall preclude the Mayor and Council in an appropriate case from requesting an employee to submit a medical examination at the Borough's expense by a physician selected by the Borough for the purpose of establishing the degree of incapacity of an employee or the employee's ability to resume the duties of the position.

Sick leave will not be allowed on an hourly basis. Employees who have reported for work requesting sick leave for the purposes herein stated, will be charged one (1) full day off if an employee leaves before half the hours in a full work day, and one half (1/2) day off if an employee leaves after one half of the hours in a full work day.

Sick leave benefits shall be paid for ordinary medical and dental care, or for any other professional services that may normally be scheduled within the employee's time off.

Sick leave benefits shall not accrue during anytime Disability benefits are being received.

Years are defined to commence on the first day of the calendar year and end on the last day of the calendar year.

All unused sick leave is forfeited upon separation from employment.

Unused sick leave may be accumulated to a maximum of one hundred (100) working days. Employees retiring in accordance with the provisions of the Public Employees Retirement System of New Jersey and who have been employed continuously with the Borough of Sussex for a minimum of twenty five (25) years, shall be paid for one half (1/2) of the total of the unused sick leave accumulated, not to exceed fifty (50) working days. Employees shall be compensated for this accumulated time at the daily rate of pay upon the date of retirement. The Borough may elect to pay this benefit over a period of one to three years.

SECTION 4

PERSONAL LEAVE

Each full-time officer and employee who has been employed continuously for one year shall be entitled to three (3) personal days leave per calendar year. Personal day leave shall be approved at least twenty (24) hours in advance by the Borough Clerk as scheduling permits.

SECTION 5

BEREAVEMENT LEAVE

Each full-time officer and employee who has been employed continuously for one year shall be entitled to three (3) days bereavement leave per calendar year.

Bereavement is defined as death in the immediate family. Immediate family shall be defined as spouse, domestic partner, child, parent, grandparent, grandchild or sibling.

Bereavement leave must be approved in advance by the department head and the Borough Clerk.

Bereavement leave will be granted with pay.

In extreme cases of need that may include traveling great distance or an extraordinary circumstance, an additional two (2) days with pay may be granted at the discretion of the governing body.

SECTION 6

PREGNANCY LEAVE

Pregnancy leave is time off because of disability caused by pregnancy, childbirth or related medical conditions. Pregnancy leave is treated the same as other disabilities.

Permanent full-time employees who become pregnant are entitled to continue in their employment as long as they are able to perform their duties.

A pregnant employee may continue to work up to the expected date of delivery, subject to the continuing approval of the Borough designated physician and the employee's physician. However, the actual length of time that a permanent employee may continue to work before her expected delivery will vary from case to case depending on, among other things, the employee's general health, the nature of the job requirements and safety considerations for the employee and her co-workers. An employee is required to notify her supervisor as soon as possible after the fact of pregnancy is confirmed by a

doctor, but in no event later than the end of the fourth (4th) month of pregnancy. The Borough requests this notification to allow sufficient time to plan staffing during the employee's disability.

The employee shall submit to her department head a written request for pregnancy leave, together with verification from her physician, at least three (3) months before her intended leave.

The request shall then be submitted to the Borough Clerk, who may give written approval of the request. The approval shall include the expected dates and length of time of the leave.

During pregnancy leave, the employee is eligible for benefit payments under disability. The Borough will continue to pay to the employee certain designated fringe benefits.

Upon returning to work after pregnancy leave, the employee will be placed in the position she held prior to the disability, if she is able to perform the job and was not affected by a reduction in force during the leave. However, if upon returning to work the employee is under a temporary medical restriction which prevents her from performing the essential functions of the former job, the employee will be considered for temporary assignment to an alternative job until the medical restrictions are lifted. If there is no such alternative work available, the employee may be placed on layoff for lack of suitable work. When the medical restrictions lapse, the employee may return to her former position or a comparable position.

If the employee is unable to return to work at the agreed upon time because of medical reasons, a certificate from the employee's physician, verified by the Borough physician, specifying the reason shall be submitted.

It shall be the employee's responsibility to supply certification from her physician indicating her ability to return to work prior to resuming her employment.

Whether or not an employee on pregnancy leave avails herself of maternity leave, she must notify her supervisor of her intended return to work at least four (4) weeks prior to that date of return.

SECTION 7

FAMILY LEAVE

In accordance with the 1990 Family Leave Act, N.J.S.A. 34:11 b – 1 et seq., an employee may be entitled to an unpaid leave of absence from work to provide care made necessary by:

- (1) the birth of a child of the employee; or

- (2) the adoption of a child by the employee; or
- (3) the serious health condition of a family member.

(a) Eligibility

“Family Member” is defined as a child (including step-child, adopted-child, foster-child), parent (including foster parent, step-parent, parent-in-law and legal guardian) spouse or domestic partner of employee.

A “serious health condition” means an illness, injury, impairment or physical or mental condition which requires:

- i) in patient care in hospital, hospice, or residential medical care facility; or
- ii) continuing supervision by a health care provider.

Employees are eligible if the individual has worked for at least twelve (12) months with a minimum of 1,000 base hours during the immediately preceding twelve (12) months.

- (b) Duration of Leave of Absence to provide care made necessary by a serious health condition of a family member.

Intermittent leave may only be taken when a family member has a serious health condition and the following conditions are met:

- i) The employee provides the Borough with prior notice of the leave in a manner which is reasonable and practicable.
- ii) The employee makes a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the Borough.
- iii) The employee provides the Borough with a Certificate issued by a duly licensed health care provider which has been determined by the Borough to be capable of providing adequate certification. Such certification must state:
 - a) The date on which the serious health condition commenced;
 - b) The probable duration of the health care condition; and
 - c) The medical facts within the provider’s knowledge regarding the condition.

Eligible employees are entitled to a maximum twelve (12) week leave of absence in any twenty four (24) month period, which may be taken intermittently when a family member has a serious health condition.

(c) Other Employment

An employee on family leave may not take another full-time job during the term of the leave.

An employee on family leave may work part-time (less than 20 hours per week in an outside job) during the term of the leave provided:

- i) The employee has advised the Borough that he or she is not available due to the health condition of their family member to work full-time, but is available to work part-time hours at their Borough job during normal business hours; and
- ii) The Borough has determined that such part-time work during normal business hours would not be desirable due to scheduling problems it might create in the operations of the Borough.

Any employment commenced prior to the leave and not otherwise prohibited by law may be maintained during the term of the leave.

(d) Family Leave for the Birth of a Child

Family leave may be taken for up to six (6) months for the birth or adoption of a child. This period of time included that allowed by the Family Leave Act. Therefore, time used in conjunction with the Family Leave Act may be paid (through accumulated vacation or compensatory time), unpaid, or a combination of paid and unpaid leave.

The employee is required to notify the Borough at the beginning of family leave as to whether he/she will be using accumulated vacation time or earned compensatory time. The employee shall provide the employer with prior notice of the expected birth or placement of the child for adoption in a manner which is reasonable and practicable.

The employee shall make a reasonable effort to schedule the leave so as to not disrupt unduly the operations of the employer. Such leave may be taken intermittently only if agreed to both by the employee and the Borough. Leave for the birth or adoption of a child may commence at any time within one (1) year of the birth or adoption.

Sick leave may be taken by a woman in connection with her family leave upon written verification from a physician. Such sick leave may be normally used in connection with the pregnancy for up to four (4) weeks immediately prior to delivery and/or six weeks immediately following delivery. Additional sick leave may be authorized due to complications arising out of the pregnancy provided that written verification has been submitted by a physician that the employee is unable to work due to such medical complications.

An employee may stay out on family leave for the birth or adoption of a child no longer than the six (6) month period, regardless of whether time used in

conjunction with the family leave is paid through accumulated vacation, compensatory time or long term sick leave.

SECTION 8

JURY DUTY

Any permanent full-time or permanent part-time employee who loses time from his/her job because of jury duty as certified by the Clerk of the Court shall be paid by the Borough as follows:

1. Such employee shall be paid the regular rate of pay upon presentation of proper evidence of jury service and shall not be required to remit the jury pay to the Borough.

When excused by the Court on any given day during jury duty, the employee must return to work for the unused portion of the day. Time spent fulfilling jury duty is not credited to overtime compensation due.

Employees who are subpoenaed for Borough matters will be granted leave with pay.

ARTICLE VII

SECTION 9

MILITARY LEAVE

An employee who is a member of the National Guard or Reserve component of the Armed Forces of the United States, and is required to engage in field training, shall be granted a military leave of absence for the period of such training as is authorized by law. The employee shall be paid the difference between their regular salary or wage and the service pay. The employee shall be required to provide certification as to the stipend received for such duty.

If an employee is called to temporary active duty in the National Guard or Reserve, the maximum period of military leave shall be thirty (30) days.

In all cases involving military leave, the employee shall give the department head and Borough Clerk at least thirty (30) days written notice of his/her obligation to report for reserve duty. The employee shall be required to provide a certificate verifying the call to military duty prior to the beginning of military leave.

ARTICLE VII

SECTION 10

LEAVE OF ABSENCE WITHOUT PAY

Permanent full-time employees and permanent part-time employees may request a leave of absence without pay for good cause. An employee desiring a leave of absence shall submit a request in writing thirty (30) days before commencement of requested leave to his/her department head stating the reason for and duration of the leave requested. The request, with a recommendation from the department head, will be forwarded to the Borough Clerk for his/her consideration and decision. If leave is for a medical reason, a physician's note must accompany the request. The Borough Clerk may, at his/her discretion, grant an employee a leave of absence without pay for a period of up to and including thirty (30) days. A leave of absence for a longer period of time must be approved by the Mayor and Council.

In any case, leave without pay will not exceed six (6) months.

ARTICLE VIII

COMPUTER AND INTERNET POLICY

SECTION 1- PURPOSE

Effective performance of computer and telecommunications networks, whether local or global, relies upon users adhering to established standards of proper conduct. This policy sets forth the general principles to be applied to all Borough of SUSSEX elected or appointed officials, employees, independent contractors or volunteers who have access to the Internet and/or e-mail services by using Borough computer equipment or via Borough paid access methods. The policy shall govern access and use of Borough of SUSSEX equipment, telecommunications and services for employees of the Borough of SUSSEX. The intent of this policy is to provide employees with the tools to perform their job tasks without infringing on the rights of others, whether they are public or employee users of personal computers and the Internet and Electronic Mail (e-mail) communications systems. This includes minimizing the risk of computer virus infections, avoiding bandwidth congestion, adhering to software license agreements and controlling private use of government equipment. The Borough of SUSSEX makes every effort to provide the best available technology to those performing services for the Borough of SUSSEX. In this regard, the Borough of SUSSEX has installed, at substantial expense, equipment such as computers, electronic mail and voice mail. This policy is to advise those who use our business equipment on the subject of access to and disclosure of computer-stored information, voice mail messages and electronic mail messages created, sent or received by the Borough of Sussex's employees with the use of the Borough of SUSSEX equipment. This Policy also sets forth policies on the proper use of the computer, voice mail and electronic mail systems provided by the Borough of SUSSEX.

SECTION 2 - AFFECTED PARTIES

In an effort to ensure the stability of the Borough of SUSSEX computing environment, as well as to reduce the potential personal and organizational liability, each and every employee of the Borough of SUSSEX, including appointed and elected officials, quasi-employees and authorized volunteers who use Borough equipment, services and information technology are subject to and shall be held fully accountable for adhering to the following Internet, e-mail, telephone and/or computing policies.

SECTION 3- PERSONAL USE PROHIBITED

Borough of SUSSEX property, including computers, e-mail, Internet, and/or telephones, shall only be used for conducting municipal business, unless prior permission has been granted by the Borough Administrator. Personal use of Borough computers is prohibited and the Borough shall, at any time, be able to monitor the use of said equipment. Borough of SUSSEX employees should not expect any privacy with respect to any information they place in or on Borough of SUSSEX computers or computer equipment.

Computers, computer networks, computer files, software programs, e-mail, and all communications, records, correspondence, files, data or other material created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Borough. Likewise, all records, data, files, software and all electronic communications contained in these systems shall be the property of the Borough. Therefore, employees should have no expectation of privacy whatsoever regarding any such files and/or communications. Passwords are only intended to prevent unauthorized access to e-mail, computer files or voice mail. All employees must supply all of their current (and any future) passwords and login names to the Department Heads and to the Borough's designated official and advise them any time they are changed. The Borough of SUSSEX has the right to monitor all computer usage to the extent permitted by law. There is no implied or express personal privacy associated with any telephone traffic, network traffic, software, e-mail or files that are sent on, received on, and/or stored on Borough owned or operated equipment. Therefore, employees should refrain from storing any data and/or transmitting any messages that may contain personal and/or private information they are not willing to share with the Borough to the extent permitted by law.

SECTION 3 - SOFTWARE

All software installed on the Borough's computers and networks must be authorized software. All software installations, even free software from the Internet, are to be approved by the Borough or its designated official before it is installed.

Authorized software is that software purchased by and licensed to the Borough or approved for use by the Borough or its designated official. Employees and officials shall not install any software onto any Borough computer or file server without approval. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software or the utilization of unauthorized media.

Employees and officials shall not use, copy or provide copies of unlicensed software. Unlicensed software or personal software shall be deleted by the Borough without notice to the employee or officer.

Upon termination of an employee's employment, or sooner if requested by the Borough, employees shall immediately return to the Borough all Borough of SUSSEX owned computer hardware and software and all Borough owned computer files.

SECTION 4 – E-MAIL

The use of e-mail shall not be used to solicit for commercial ventures, religious and/or political causes, outside organizations and/or other non-job related solicitations. Furthermore, e-mail is not to be used to create any offensive and/or disruptive messages. Among those which are considered offensive, but this is in no way an exclusive list, are any messages which contain sexual implications, racial slurs, gender-specific comments or any other comments that offensively address someone's age, sexual orientation,

religious and/or political beliefs, national origin or disability. In addition, e-mail shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information and/or similar materials without prior authorization.

Although the Borough of SUSSEX may provide certain codes and/or passwords to restrict access to computers, voice mail and/or e-mail to protect these systems against external parties or entities obtaining unauthorized access, employees should understand that these systems are intended for business use and all computer information, voice mail and/or e-mail messages are considered Borough records. The Borough of SUSSEX also needs to be able to respond to proper requests resulting from legal proceedings that call for electronically-stored evidence. Therefore, the Borough of SUSSEX must, and does, maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems.

SECTION 5 – MONITORING E-MAIL and VOICE MAIL

Because the Borough of SUSSEX reserves the right to obtain access to all voice mail and e-mail messages left on or transmitted over these systems, employees should not assume that such messages are private and confidential or that the Borough of SUSSEX or its designated representative will not have a need to access and review information. The content of all e-mail messages sent or received on Borough-owned computer hardware or on Borough premises is the sole and exclusive property of the Borough of SUSSEX to the extent permitted by law and all e-mails are subject to random review at any time. Employees will not be notified before (or after) an examination of any e-mail communication, regardless of whether the employee was the originator of the message. Employees should utilize e-mail for official business-related purposes only. E-mail messages may be subject to disclosure in a civil or criminal action and may be used as evidence in any proceedings. Individuals using Borough of SUSSEX business equipment should also have no expectation that any information stored on their computer, whether the information is contained on computer hard drive, computer disks or in any other manner, will be private.

The Borough of SUSSEX has the right to, but does not regularly, monitor voicemail or e-mail messages. The Borough of SUSSEX will, however, inspect the contents of computers, voice mail or e-mail in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information that is not more readily available by some other less intrusive means. The contents of computers, voice mail and/or e-mail, properly obtained from some legitimate business purpose may be disclosed by the Borough of SUSSEX, if necessary within or outside of the Borough of SUSSEX. Given the Borough of Sussex's right to retrieve and read any e-mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. The Borough of SUSSEX or its designee will review any request for access to the contents of an individual's computer, voice mail, and/or e-mail prior to access being made without the individual's consent.

SECTION 6 – INTERNET ACCESS

Access to the Internet is strictly for Borough of SUSSEX business. Any costs incurred while accessing sites on the Internet or ordering supplies and/or materials through the Internet are the responsibility of the employee unless approved in advance by the Borough in writing. Employees shall not use personal Internet accounts during work hours or use Borough of SUSSEX equipment to reach personal sites. Internet access will be removed for any employee due to violation of this policy.

Access to the Internet via Borough resources can only be used for Borough purposes and cannot adversely affect the operation of the Internet or misrepresent the interest of the Borough. Accessing, viewing, downloading or any other method for retrieving non-Borough related information is prohibited. This includes, but is not limited to, entertainment sites or pornographic/adult sites or other sites unrelated to the employee's/official's responsibilities with the Borough. Resources of any kind, for which there is a fee, must not be accessed or downloaded without prior approval of the Borough. Use of aliases or anonymous messages is prohibited. Also, the misrepresentation of an employee's job title, job description or position in the Borough is prohibited. Employees may not release untrue, distorted or confidential information regarding Borough business. Employees are also prohibited from the following list of activities, which is not all-inclusive: violation copyright laws; using or changing other's password; trespassing other's folders, work or files; accessing resources not related to the user's department or work without permission; damaging computers, computer systems, computer networks or computer peripherals such as printers; harassing, insulting and/or verbally attacking others.

Intentional use of Internet resources to access, transmit and/or receive any material and/or communications that are obscene, pornographic and/or sexually explicit; of a discriminatory or harassing nature or which are derogatory to any individual or group; or are threatening in nature is prohibited, except where such use is job-related. (e.g. law enforcement investigation). Intentional use of the Internet to access, transmit and/or download files that are knowingly dangerous to the integrity of the network is prohibited.

Use of Borough Internet access provided by the Borough is for the use and benefit of its employees' business needs only. Use of Borough Internet access in order to obtain or access pornographic material for personal use or purposes may be illegal, is contrary to Borough policy, and may subject other employees to harassment. Any use of the Internet services provided by the Borough for the use and benefit of its employees' business needs to obtain and/or access pornographic material for personal use is a violation of the policies and procedures of the Borough, will not be tolerated, and is grounds for immediate disciplinary action up to and including immediate suspension without pay and/or termination.

Use of the Internet services provided by the Borough for the use and benefit of its employees' business needs to access, import, share or obtain child pornography is grounds for immediate termination and must be reported immediately upon detection to law enforcement authorities as required by law. Use of the Borough Internet services for child pornography purposes may subject the employee to arrest, detention and conviction of a state and/or federal crime.

Employee's rights, while accessing the Internet and/or e-mail through the use of Borough property, do not include the right to privacy. When sites are accessed, Internet Protocol addresses are recorded. Comments are not anonymous and any electronically stored communications sent or received may be retrieved. The Borough of SUSSEX reserves the right, at its discretion, to monitor Internet usage patterns to the extent necessary to ensure that the system is being used in compliance with this Policy and other local, state or federal laws. (e.g. site accessed, on-line length, times of day accessed).

SECTION 7 – COPYRIGHTED MATERIAL

Borough employees may not transmit copyrighted materials belonging to others over the Internet. One (1) copy of the copyrighted material may be downloaded for your own personal use with the express written permission of the copyright holder.

Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to others users unless given express written permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action and/or legal action by the copyright owner.

SECTION 8 – OPRA

Employees and officials of the Borough of SUSSEX are subject to restrictions on release of information about governmental employees and activities under the New Jersey Open Public Records Acts, the Federal Health Information Portability and Accountability Act, amongst other laws. Employees and officials of the Borough of SUSSEX shall not send, transmit and/or otherwise disseminate nonpublic personal data, police materials or other confidential information of the Borough to an unauthorized person or in an unauthorized manner. Unauthorized dissemination of this information may result in substantial civil liability and/or criminal penalties, as well as disciplinary action up to and including termination from employment.

SECTION 9 – NO EXPECTATION OF PRIVACY

Employees should be aware that any computer, whether networked or stand alone, may be accessible to other users. The Borough cannot guarantee the absolute privacy of e-mail communications, whether internal or external.

Employees and officials should never assume that e-mail can be read by no one except the sending or receiving employee or official; others may be able to read or access

e-mail. Internet accounts shall be accessed only by the authorized owner of the account. Confidentiality of passwords and users accounts must be protected. Individual users can be held accountable for use of their account by others.

Under certain circumstances, e-mails may be subject to disclosure under the Open Public Records Act and subject to disclosure under civil or criminal litigation laws and rules. Employees and officials are cautioned to consult with the Borough Administrator as the designated Public Records Officer of the Borough of SUSSEX in regard to disclosure and contents of e-mail. Any employee or officer receiving any request or demand for production of any document or record under the New Jersey Open Public Records Acts, the Federal Health Information Portability and Accountability Act and/or other applicable Federal or State rules and/or regulations, or under civil or criminal subpoena must immediately report the same to the Borough Administrator as the designated Public Records Officer of the Borough of X, who will respond as necessary.

SECTION 10 – GENERAL GUIDELINES

The following guidelines are established, but are certainly not exclusive, for sending Internet and/or e-mail communications:

- a. Do not communicate confidential and sensitive issues via e-mail. E-mail is not secure.
- b. Do not send offensive jokes, frivolous messages and/or anything else which is or could be construed as discriminatory in nature. Racism, sexism and other inappropriate behavior will not be tolerated. If you receive such messages, forward them to your supervisor. Employees are prohibited from sending, retrieving, displaying or printing offensive messages.
- c. Be cognizant of system etiquette. Mail takes up space. It is best not to save every message you receive.
- d. Be careful when sending replies; make sure that mail is addressed to the individual or the group you want to receive it. Do not write anything you do not want repeated. E-mail can be forwarded to hundreds of people within or outside of the Borough or County. Ask yourself: Would I want a member of the public or a jury to read this e-mail message?
- e. Employees should not permit individuals, including family members who are not Borough officials, employees and/or consultants, to use Borough computers, networks and/or internal e-mail without written authorization from the Borough or its designated official.

ARTICLE IX

MISCELLANEOUS

SECTION 1 - PERSONAL TELEPHONE CALLS

Borough telephones are to be used for government business, not personal calls.

Should circumstances arise which require you to make or receive a personal call, please try to keep the call short and on your lunch hour, if possible.

Personal calls should not be billed to the Borough telephones.

SECTION 2 - PERSONAL VISITORS

Everyone enjoys getting visitors, but visitors during work hours interrupt normal working activities and are a distraction to other employees. Therefore, if an employee is contacted by friends, acquaintances, co-workers or relatives, regarding personal matters during business hours, he/she should advise these individuals that Borough policy prohibits personal visits for non-work related matters during working hours.

SECTION 3 - MILEAGE ALLOWANCE

In the event an employee is required to use his/her private automobile for Borough business, he/she will be reimbursed for mileage at a rate of .405 cents (forty and one-half cents) per mile. A mileage chart must be maintained and submitted monthly to the Department Head, who will in turn submit it to the Treasurer for payment. Reimbursements must be authorized by the Borough Clerk.

SECTION 4 - GIFTS AND GRATUITIES

As a governmental entity serving the interest of the citizens, the Borough dissuades its employees from accepting food, money and gifts of any kind from firms, organizations, their employees, agents or other individuals who may or do conduct business with the Borough.

Borough employees must report to the Borough Clerk, in writing, any gifts (edible or other) with a value up to \$25.00 received from the above named parties.

Borough employees are expressly forbidden to receive any gifts (edible or other) with a value of \$25.00 or more, cash gifts of any amount, from the above named parties.

SECTION 5 - BOROUGH INFORMATION

The employees and the Borough may be sued as a result of the release of confidential information.

Information concerning or related to the official operation of the Borough and/or its boards or authorities is strictly confidential.

Information that is classified by law as public information can be released to any citizen upon request.

The Mayor and Council and the Borough Clerk shall have access to all information pertaining to the official operation of the Borough. Anyone suppressing or withholding information from the Borough Clerk or the Governing Body shall be subject to dismissal.

SECTION 6 - SMOKING

To minimize the risk of fire and to comply with State Law, smoking is not permitted in any Borough-owned building.

SECTION 7 - USE OF BOROUGH PROPERTY

Borough supplies and equipment shall not be used by any employee except in the conduct of official Borough business.

Improper use of Borough property and equipment is a violation of criminal law and is grounds for disciplinary action.

SECTION 8 - DAMAGE TO MUNICIPAL PROPERTY

Whenever an employee damages municipal property, a full written report will be made by the employee involved and the department head. Both reports will be forwarded to the Borough Clerk.

When any municipally-owned vehicle is involved in an accident, the State Police is to be notified immediately so that it may conduct an on-the scene investigation and prepare an accident report as required. The Borough Clerk **MUST** be notified within 24 hours in writing by the department head. (Written report of details.) The driver must also file a full report as required above.

In the event of a vehicular accident, the Borough Clerk may convene a review board consisting of the department head and at least one Council member to review the accident and determine if negligence is involved, and if any disciplinary action should be taken.

SECTION 9 - INCLEMENT WEATHER

All Borough employees are to presume that the office is open each regular workday unless otherwise notified. Individual employees will receive a call from the Borough Clerk by 8:00 a.m. if there is a change in office hours on a given day.

Upon notification and receipt of approval by the Borough Clerk, any employee who fails to report for work or reports late due to inclement weather must use available vacation leave or personal leave to account for the time, except when the office is closed. The same policy applies to any employee who, due to inclement weather, leaves work before the end of the day. An employee authorized to leave work before noon due to inclement weather may utilize his/her vacation leave or lose one-half (1/2) day's pay.

SECTION 10 – UNEMPLOYMENT PAYMENT

The Unemployment Compensation Law sets up a program for the payment of cash benefits to cover workers who have been terminated from their positions while in good standing or who are working less than full time due to a lack of full-time work.

Employees of the Borough of Sussex can benefit from the State of New Jersey Unemployment Insurance. In accordance with the New Jersey State Law, the Borough will deduct one-half of one percent of the employee's wage per pay period.

In order for an employee to receive benefits of unemployment insurance, he/she must:

- A. File a claim at the local unemployment insurance claims office located in Newton.
- B. Be able to and be available for work.
- C. Be clear from disqualification under the law.
- D. Be seeking work and be registered for unemployment with the New Jersey State Unemployment Service.
- E. Meet all other benefit eligibility conditions of N.J.S.A.43:21-4 et.seq.

SECTION 11 - JOB INCURRED INJURY/ACCIDENT

Any accident and/or injury that occur while an employee is on the job must be reported by the employee to his/her department head in writing immediately following the accident. It shall be the responsibility of the department head to ensure that a written report on proper forms is submitted to the Borough Clerk within twenty-four (24) hours of the incident. This report will be processed by the Borough Clerk.

It is the responsibility of the affected employee and the department head to submit an accurate report of the incident and confirm the facts. Failure to do so may result in disciplinary action being taken against both employee and department head.

If relief under Workers Compensation law is sought, the injured employee must undergo an examination and treatment by a Borough approved physician.

SECTION 12 - FUNERAL FLOWERS OR DONATIONS

The Borough will provide for fifty (\$50.00) dollars towards flowers or donations in the event of the death of any immediate family member of a Borough employee.

SECTION 13 - LUNCH PERIODS

A lunch period of one (1) hour shall be assigned to each employee by his or her department head.**

Lunch periods shall be staggered to provide adequate coverage to all departments and at no time shall Borough Hall be closed during lunch periods.

**Except for Department of Public Works whose lunch hour is one half (1/2) hour.

SECTION 14 - SEXUAL HARASSMENT

Definition: Sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct based on gender 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment including, but not limited to:

Gender Harassment: Generalized gender-based remarks and behavior;

Seductive Behavior: Inappropriate, unwanted, offensive physical or verbal sexual advances;

Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward;

Sexual Coercion: Coercion of sexual activity by threat of punishment; and

Sexual Assault: Gross sexual activity by threat of touching, fondling, grabbing or assault.

Policy: All employees, female or male, shall be permitted to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Sexual harassment debilitates morale and interferes with work productivity and, therefore, will not be tolerated.

Procedure:

Managerial/Supervisory

In order to ensure the integrity of the work environment, managerial and/or supervisory personnel are required to ensure adherence to and compliance with this policy; and, upon being informed of possible sexual harassment, are required to take appropriate immediate action in response, including informing the employee of their right to file a discrimination complaint with the Borough Clerk.

Employee

Employees are encouraged, whether directly or indirectly or through a third party; to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.

Contents of Filing

The complaint filed must include the following information:

1. The name and department of the complainant;
2. The name and department of the charged party;
3. The nature and circumstances, in detail, of the alleged sexual harassment, including but not limited to, the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
4. Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.

Nothing in this section shall prevent the complainant from providing other information or documents they believe are essential to the fair adjudication of their case.

The initial complaint may be made orally or in writing. If the complaint is made orally, the Borough Clerk shall reduce same to a written document, which shall, if it is deemed accurate, be signed by the complainant.

Investigation of Filed Complaints

A complaint of sexual harassment shall be investigated by the Borough Clerk in a timely manner and shall include, but not be limited to:

- a. Interviewing the complainant in detail;
- b. Interviewing all potential witnesses, including those people who may have knowledge of similar incidents;
- c. Interviewing the charged party in detail;
- d. Reviewing municipal files for similar incidents involving the complainant and the charged party;
- e. Assessing the presence or absence of corroborative evidence for either party.

Confidentiality: To the extent possible, the sexual harassment investigative proceedings will be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser and all witnesses. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision, to safeguard the privacy and reputation of all involved.

Retaliation: It shall be a violation of this policy for any employee to take reprisals against any person because he/she filed a complaint, testified or assisted in any proceeding under this policy. Threats, other forms of intimidation, and/or retaliation against the complainant or any other party based on involvement in the complaint process may be cause for disciplinary action.

Protection of All Parties: All complaints will be addressed by the Borough Clerk. The alleged harasser will be notified once a formal complaint is filed with the Borough Clerk. A finding of no probable cause as a result of an investigation does not necessarily establish that an accusation is false. However, this policy shall not be used to intentionally bring frivolous or malicious charges against any employee.

Disciplinary Action: Disciplinary action for employees found in violation of this policy may be progressive in nature, not required to be, and include:

- Oral reprimand
- Written reprimand
- Reassignment

Suspension (with or without pay)
Demotion
Termination
Referral to the criminal justice system

Exhaustion of Remedies: To the extent permitted by law, the Borough will not be liable for damages obtained against it as a result of a decision of a non-local agency or court of superior administrative remedies described herein.

Training: Employees of the Borough shall be provided with training, by a person trained to lead or implement such training, which shall include a detailed discussion of the following:

1. A detailed explanation of what constitutes sexual harassment;
2. The procedures for filing a sexual harassment charge;
3. The procedures to be followed in the investigation of a sexual harassment charge;
4. Management's obligation regarding incidents of sexual harassment.
5. Record-keeping requirements.

False Accusations: Since a charge of sexual harassment is a grave and serious one, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person actually engaging in such behavior.

A person who knowingly and/or recklessly fails to give truthful testimony to the Borough Clerk shall also be guilty of having made false accusations.