

**CITY OF NORTHFIELD COUNCIL MEETING AGENDA
OCTOBER 26, 2021**

MEETING CALLED TO ORDER by Mary Canesi, Municipal Clerk. This meeting has been properly advertised according to Public Law 1975, Chapter 231, in the Press of Atlantic City on Saturday, January 9, 2021.

Pursuant to N.J.S.A. 10:4-8(b), and N.J.A.C. 5:39-1.1 - 1.7, this meeting will be held in-person and as a remote public meeting (live-streamed) using Zoom conferencing service. Due to social distancing requirements related to Covid-19, there are limited seats for in-person attendance by members of the public. Visit the event calendar page for October 26, 2021 at www.cityofnorthfield.org to determine current seating availability. Face coverings and social distancing will be required for in-person attendance. To reserve an available seat, contact the Office of the Municipal Clerk at 609-641-2832, ext 125, no later than 4:00pm on October 26, 2021. Once all available seats have been reserved, virtual attendance will be required using a web-browser to Join the Zoom Meeting <https://us02web.zoom.us/j/84970313083> or by telephone using one tap mobile +16465588656,,84970313083# or direct dial +1 646 558 8656 using Meeting ID: 849 7031 3083. For those wishing to comment during the dedicated public comment portion of the meeting, but who may be unable to attend (in person or via Zoom), public comments may also be submitted in advance via email to mcanesi@cityofnorthfield.org or by written letter to the Office of the Municipal Clerk, 1600 Shore Road, Northfield NJ 08225, or by hand delivery to the drop box in the parking lot at the south corner of the municipal building, addressed to the attention of the Municipal Clerk. Comments shall contain the name and address of the author, will be read aloud and addressed during the remote public meeting, and must be received by 2:00pm on October 26, 2021.

FLAG SALUTE

COUNCIL ROLL CALL: Dewees, Madden, Notaro, Perri, Smith, Utts, Polistina
MAYOR: Chau

APPROVAL OF MINUTES – October 12, 2021

MAYOR'S REPORT

CITY ENGINEER'S REPORT

PUBLIC SESSION/FIVE MINUTES PER SPEAKER

**CITY OF NORTHFIELD COUNCIL MEETING AGENDA
OCTOBER 26, 2021**

RESOLUTIONS

- 175-2021** A Resolution Approving Participation with the State of New Jersey Federal Grant Program Administered by the Department of Law and Public Safety, Office of the Attorney General
- 176-2021** Authorization to Create Municipal Lien for Property Maintenance Costs
- 177-2021** To Approve an Application for Use of Facilities
- 178-2021** A Resolution Authorizing a Contract with Winner Ford, an Approved State Contract Vendor for Contracting Units Pursuant to NJSA 40A:11-12a
- 179-2021** Memorialize Resignation of Part Time Electrical Inspector
- 180-2021** Authorization to Hire Part Time Electrical Inspector
- 181-2021** Authorizing the Northfield Fire Department to Apply for a Grant from the South Jersey Gas First Responders Grant Program
- 182-2021** Authorizing Schaeffer, Nassar, Scheidegg Consulting Engineers to Proceed with Engineering Services for the Project Known as Reconstruction of Merritt Drive and a Portion of Ridgewood Drive FY2021 NJDOT Municipal Aid Program
- 183-2021** A Resolution Providing for an Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12(B)(7) Matters Covered Under the Attorney Client Privilege
- 184-2021** Resolution Updating the Personnel Policies and Procedures for the City of Northfield
- 185-2021** A Resolution Providing for an Executive Session Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12(B)(4), Regarding Contract Negotiations for Government Workers Union Local No. 420 for Blue Collar Employees
- 186-2021** A Resolution Approving an Agreement Between the City of Northfield and Government Workers Union Local No. 420, for Blue Collar Workers, Effective January 1, 2021 through December 31, 2024

ORDINANCE

- 11-2021** Amending Chapter 288 of the City of Northfield Legislative Code, Entitled "Sewers"
2nd Reading / Public Hearing / Final Consideration
Published in the Press of AC 10/30/2021

PAYMENT OF BILLS \$1,382,188.94

MEETING NOTICES

- | | | |
|-------------------|--------------------------|---|
| General Election: | November 2 nd | 6am-8pm
Northfield Community School |
| City Council | November 9 th | 6pm Work Session
Regular Session immediately following |

ADJOURNMENT

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 175-2021**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF
NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE
DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE
ATTORNEY GENERAL**

WHEREAS, the City of Northfield wishes to apply for funding of approximately \$32,400.00 with a match of \$19,132.00 for an approximate project total cost of \$51,532.00 for a project under the State of New Jersey Safe and Secure Communities Grant Program (22-0118) for the period of April 9, 2022 through April 8, 2023, and

WHEREAS, the Mayor and Council have reviewed the accompanying application and have approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Northfield Police Department for the purpose described in the application.

THEREFORE, BE IT RESOLVED by the Mayor and Council that

- (1) As a matter of public policy, the City of Northfield wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- (2) The Attorney General will receive funds on behalf of the applicant.
- (3) The Department of Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the applications for said funds. The Department of Public Safety, Office of the Attorney General shall initiate allocations to each applicant as authorized.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 176-2021**

**AUTHORIZATION TO CREATE MUNICIPAL LIEN
FOR PROPERTY MAINTENANCE COSTS**

WHEREAS, the City of Northfield Code Enforcement Officer has notified the owner of the property listed below of violations of the City Property Maintenance Code:

Block	Lot	Property Address	Amount
132	18	709 First Street	\$184.22

WHEREAS, pursuant to Article II, Chapter 268-6 of the City of Northfield Municipal Code entitled “Property Maintenance”, notice of the violations and the need to abate them was served to the property owner as listed above; and

WHEREAS, the property owner listed above has failed to comply with said notices; and

WHEREAS, the Public Works Department of the City of Northfield was instructed to remedy the violations and submit the associated costs of bringing the property into compliance with the Article II, Chapter 268-6 of the City of Northfield Municipal Code, concerning Property Maintenance; and

WHEREAS, the Superintendent of the Public Works Department of the City of Northfield submitted bills to the Tax Collector in the amounts listed above for the property.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Northfield, Atlantic County, New Jersey that the Tax Collector is directed to attach a lien on the property for the costs associated with bringing the property into compliance with the City’s Property Maintenance Code.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 177-2021**

TO APPROVE AN APPLICATION FOR USE OF FACILITIES

WHEREAS, Mr. Jason Yard has properly submitted an Application for Use of Facilities requesting use of the Farm League, Minor League, Major League and Softball Fields from September 1, 2021 through November 15, 2021, Sunday – Saturday from 9am until 10pm for practices and games; and

WHEREAS, Mr. Jason Yard has presented this request on behalf of Northfield Little League; and

WHEREAS, said approval requires the use of lights during some hours of play where it may be needed and fees shall be paid in accordance with Chapter 250 of the Municipal Code; and

THEREFORE, BE IT RESOLVED, that the Common Council of the City of Northfield hereby approves the Application for Use of Facilities presented by Mr. Jason Yard is subject to the full execution of the Use of Facilities Agreement, and compliance with its terms and conditions, the terms and conditions of the current Use of Facilities Guidelines and the representations made in the subject Applications for Use of Facilities.

BE IT FURTHER RESOLVED, that all baseball and softball facilities are presently open to the public, however, the decision to open and or close the football facilities to the public for use shall be solely at the discretion of the City of Northfield; and

BE IT FURTHER RESOLVED, the approval granted pursuant to this Resolution may be rescinded at any time at the sole discretion of the City of Northfield.

I, MARY CANESI, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

Resolution No. 177-2021, Attachment



CITY OF NORTHFIELD Application for Use of Facilities

Name and Address of Organization: Northfield Little League

Tell Us Who You Are / Description and Purpose of Organization: Jason Yard - President
Youth baseball + softball

Is the Group a Not-For-Profit Organization? ☒ Yes ☐ No

Do Participants Pay a Fee for Your Sport / Event? ☒ Yes ☐ No

If Yes, How Much? \$ \$85 - \$125 per: ☒ Person ☐ Day ☒ Season ☐ (other)

Name of Applicant / Responsible Party: Jason Yard Title/Affiliation President

Home Address: 700 Hollywood Drive, Northfield NJ 08225

Telephone: (H) _____ (C) _____ (W) _____

Name and Location of Facility(ies) Being Requested: Birch Grove baseball + softball
Fields (Farm field, Major softball, minor baseball, Major baseball)

For the Following Purpose: baseball + softball

on the Following Date(s): 9/1/2021 - 11/15/2021

Specify Hours of Use: From: 9 AM To: 10 PM Are Field Lights Requested*? Yes

*If Yes, Provide Dates / Times for Requested Light Use: be when there are night games
or practices

*LIGHT USE FEE APPLIES IN ACCORDANCE WITH CHAPTER 250-3 OF THE CITY OF NORTHFIELD MUNICIPAL CODE

of Participants per Date: 83 total # of Participants who are Northfield Residents: 64

Will Juveniles be Present? Yes ☒ No ☐ If Yes, What Ages? 8-12

Have You Applied to Other Municipalities for Use of their Facilities for this Event? ☐ Yes ☒ No

If Yes, Name of Municipality/ies: _____

Date/s and Disposition of Request/s: _____

Applicant has received a copy of the City of Northfield Use of Facilities Guidelines, Use of Facilities Agreement and City of Northfield "Protection and Safe Treatment of Minors" Policy and agrees to abide by and comply with the terms of the Guidelines, Policy, and Agreement. Applicant further acknowledges that IF THE INTENDED USE IS FOR ANY ATHLETIC FIELD, s/he must obtain from the Municipal Clerk's Office the date/time of the Council Meeting at which the Application will be considered, and attendance at same is required in order for the Application to be heard.

NO ALCOHOLIC BEVERAGES PERMITTED

APPLICANT: Jason Yard DATE: 10-18-21

Signature

Note: The City of Northfield has the right, in its sole discretion, to deny, limit, or revoke the use of requested facility(ies) when in the opinion of the City of Northfield the use presents a risk of unreasonable injury to persons or damage to property of the City of Northfield or others.

FAILURE TO COMPLETE ANY PORTION OF THE APPLICATION WILL RESULT IN AUTOMATIC REJECTION

**CITY OF NORTHFIELD
RESOLUTION NO. 178-2021**

**A RESOLUTION AUTHORIZING CONTRACT WITH WINNER
FORD, AN APPROVED STATE CONTRACT VENDOR FOR
CONTRACTING UNITS
PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the City of Northfield, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-72.9(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contract entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the City of Northfield has the need to purchase a 2022 Ford Expedition and related equipment which is available on State Contract from Winner Ford, Contract 20-FLEET-01189; and

WHEREAS, Winner Ford provided a quote that is in compliance with contract 20-FLEET-01189; and

WHEREAS, the City of Northfield desires to enter into a contract with Winner Ford through this resolution and properly executed contracts, for a total amount of \$44,005.00, which shall be subject to all the condition applicable to the current State contracts.

NOW, THEREFORE, BE IT RESOLVED, that the City of Northfield authorizes the Chief Financial Officer to enter into an agreement with Winner Ford for the purchase of a 2022 Ford Expedition and related equipment, pursuant to all conditions of the State contract; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C. 5:30-5.5(b), the certification of the available funds has been provided by the Chief Financial Officer.

Erland V. L. Chau, Mayor

ATTEST:

Mary Canesi, RMC, Municipal Clerk

I, MARY CANESI, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 179-2021**

**MEMORIALIZE RESIGNATION OF
PART TIME ELECTRICAL INSPECTOR**

WHEREAS, pursuant to Resolution No. 175-2020, the Common Council of the City of Northfield did appoint William Shelton Marsden to the position of Part Time Electrical Inspector commencing November 11, 2020; and

WHEREAS, William Shelton Marsden submitted his letter of resignation, with an effective date of October 28, 2021.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the City of Northfield does hereby acknowledge and memorialize the resignation of William Shelton Marsden from the position of Part Time Electrical Inspector, October 28, 2021.

BE IT FURTHER RESOLVED that William Shelton Marsden's last day of work shall be October 28, 2021.

I, MARY CANESI, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City Council of Northfield, held this 26th day of October 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 180-2021**

AUTHORIZATION TO HIRE PART TIME ELECTRICAL INSPECTOR

WHEREAS, the need exists to hire a temporary part-time Electrical Inspector for the City of Northfield; and

WHEREAS, James D Mazzio has applied for and is qualified for the position; and

WHEREAS, having first been satisfied that the applicant has the necessary qualifications required for the position, Construction Official Richard Stevens and Councilman Paul Utts have recommended that James D Mazzio be hired as part time Electrical Inspector for the City of Northfield.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Common Council of the City of Northfield that James D Mazzio be and is hereby hired for the position of part time Electrical Inspector, commencing on November 4, 2021, and subject to understanding and/or completion of the following:

1. Not eligible for health benefits or vacation time
2. Eligible for earned sick leave in accordance with the NJ paid sick leave law
3. Policies and Procedures of the City of Northfield
4. Successful completion of background check
5. Hours worked shall not exceed 9 per week

IT IS FURTHER RESOLVED that compensation for James D Mazzio shall be based on an hourly wage of \$42.13 in accordance with the City of Northfield 2021 Salary Resolution.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular meeting of the Common Council of the City of Northfield, held this 26th day of October 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 181-2021**

**AUTHORIZING THE NORTHFIELD FIRE DEPARTMENT TO APPLY
FOR A GRANT FROM THE SOUTH JERSEY GAS FIRST RESPONDERS
GRANT PROGRAM**

WHEREAS, the Northfield Fire Department wishes to apply for a grant from South Jersey Gas First Responders Grant Program in the amount of \$4,472.00; and

WHEREAS, said grant monies will fund the purchase of equipment to provide critical support for operations conducted by the Fire Department, specifically the upgrade of the department's hand-held lights to LED units; and

WHEREAS, there is no required match of municipal funds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Northfield, County of Atlantic, State of New Jersey, that the submission of the application by the Northfield Fire Department is hereby approved.

BE IT FURTHER RESOLVED that the City of Northfield accepts and agrees to comply with and fulfill each of the understandings and assurances contained in said application.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 182-2021**

**AUTHORIZING SCHAEFFER, NASSAR, SCHEIDEGG CONSULTING
ENGINEERS TO PROCEED WITH ENGINEERING SERVICES FOR
THE PROJECT KNOWN AS RECONSTRUCTION OF MERRITT DRIVE
AND A PORTION OF RIDGEWOOD DRIVE
FY2021 NJDOT MUNICIPAL AID PROGRAM**

WHEREAS, Schaeffer, Nassar, Scheidegg Consulting Engineers LLC have submitted expenditure requests outlining professional engineering services that will be provided to the City of Northfield; and

WHEREAS, copies of said expenditure requests have been provided to the City Council for their review; and

WHEREAS, City Council has deemed it appropriate to authorize the expenditure of these monies as follows:

<u>Project Description</u>	<u>Estimated Purchase Order Amount</u>
Engineering services as related to construction inspection and contract administration for the Reconstruction Merritt Drive and a Portion of Ridgewood Drive (FY2021 NJDOT Municipal Aid Program)	
Total	\$20,100.00

WHEREAS, certification of funds has been received from the Municipal Finance Officer.

THEREFORE, IT IS HEREBY RESOLVED by the Governing Body of the City of Northfield that this Project is approved as submitted by Schaeffer, Nassar, Scheidegg Consulting Engineers.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the City Council of Northfield held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 183-2021**

**A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION NOT
OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS
OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-
12(b)(7) MATTERS COVERED UNDER THE ATTORNEY CLIENT
PRIVILEGE**

WHEREAS, the Common Council of the City of Northfield is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the City Council of the City of Northfield to discuss in a session not open to the public certain matters relating to items authorized by NJSA 10:4-12(b)7, matters falling within the attorney client privilege, specifically the update of the City's Personnel Policies and Procedures manual, as required by the Atlantic County Municipal Joint Insurance Fund.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Northfield that Council move into Executive Session, closed to the public.

IT IS FURTHER RESOLVED that the deliberations conducted in closed session may be released when a decision with respect to the matter has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to Court protection or subject to attorney-client privilege shall not be disclosed.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 184-2021**

**RESOLUTION UPDATING THE PERSONNEL
POLICIES AND PROCEDURES FOR THE CITY OF NORTHFIELD**

WHEREAS, it is the policy of City of Northfield to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meetings Act; and

WHEREAS, the City of Northfield participates in the Municipal Excess Liability Joint Insurance Fund which recommends Model Personnel Policies and Procedures to its members; and

WHEREAS, Municipal Excess Liability Joint Insurance Fund has developed a new Model Personnel Policies and Procedures Manual for adoption by its members; and

WHEREAS, the Common Council of the City of Northfield has determined that there is a need to update the City's current personnel policies and procedures to incorporate the revised policies issued by the Municipal Excess Liability Joint Insurance Fund to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Common Council of the City of Northfield that the revisions to the Personnel Policies and Procedures Manual attached hereto are hereby adopted and shall be effective as of November 1, 2021.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all City of Northfield officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by City of Northfield employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Common Council of the City of

Northfield.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City of Northfield shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that the Mayor and all managerial/supervisory personnel are responsible for these employment practices. The Municipal Clerk and the Labor Counsel shall assist the Mayor in the implementation of the policies and procedures in this manual.

Erland V.L. Chau, Mayor

Attest: Mary Canesi, RMC, Municipal Clerk

I, MARY CANESI, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular meeting of the Common Council of the City of Northfield, held this 26th day of October 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 185-2021**

**A RESOLUTION PROVIDING FOR AN EXECUTIVE SESSION
NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH
THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS
ACT, N.J.S.A. 10:4-12b(4), REGARDING CONTRACT NEGOTIATIONS
FOR GOVERNMENT WORKERS UNION LOCAL NO. 420 FOR BLUE
COLLAR EMPLOYEES**

WHEREAS, the Common Council of the City of Northfield is subject to certain requirements of the Open Public Meetings Act, NJSA 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12 provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Common Council of the City of Northfield to discuss in a session not open to the public certain matters relating to items authorized by NJSA 10:4-12b(4), specifically, the contract negotiations for the Government Workers Union that represents certain City of Northfield Employees, namely Local No. 420 for Blue Collar Employees.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Northfield that Council move into Executive Session, closed to the public.

IT IS FURTHER RESOLVED that the deliberations conducted in closed session may be released when a decision with respect to the matter has been made and all rights to litigate or appeal are exhausted; provided, that material entitled to Court protection or subject to attorney-client privilege shall not be disclosed.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Common Council of the City of Northfield, held this 26th day of October 2021.

Mary Canesi, RMC, Municipal Clerk

**CITY OF NORTHFIELD, NJ
RESOLUTION NO. 186-2021**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN
THE CITY OF NORTHFIELD AND GOVERNMENT WORKERS UNION
LOCAL NO. 420, FOR BLUE COLLAR WORKERS,
EFFECTIVE JANUARY 1, 2018 THROUGH DECEMBER 31, 2020**

WHEREAS, the existing Agreement between the City of Northfield, Atlantic County, New Jersey and Government Worker's Union, Local No. 420, for Blue Collar Workers, expired December 31, 2020; and

WHEREAS, negotiations have been ongoing with respect to a new Contract; and

WHEREAS, the parties have agreed to the terms and conditions of a successor Agreement to be effective January 1, 2021 through December 31, 2024, which terms are memorialized in a Memorandum of Agreement that is attached hereto; and

WHEREAS, the GWU has approved and ratified the terms of the Memorandum of Agreement; and

WHEREAS, the Common Council of the City of Northfield, discussed the terms of the Memorandum of Agreement in a closed session on October 26, 2021 and are in favor of approving those terms.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Northfield, County of Atlantic and State of New Jersey, that the terms and conditions of the Memorandum of Agreement with the Government Workers Union, Local No. 420, effective January 1, 2021, through December 31, 2024 are hereby adopted, a copy of said Memorandum of Agreement shall be attached to this Resolution.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the said Agreement on behalf of the City of Northfield.

BE IT FURTHER RESOLVED that the Council directs that the terms and conditions of the Memorandum of Agreement be incorporated into a final agreement, subject to editing as may be approved by labor counsel, which may then also be executed by the Mayor on behalf of the City of Northfield.

I, Mary Canesi, Municipal Clerk of the City of Northfield, do hereby certify that the foregoing Resolution was duly adopted at a Regular meeting of the Common Council of the City of Northfield, held this 26th day of October, 2021.

Mary Canesi, RMC, Municipal Clerk

ENGINEER'S REPORT

ENGINEERING MEMORANDUM

TO: Mayor and City Council, City of Northfield
1600 Shore Road
Northfield, NJ 08225

FROM: Rami Nassar, PE, PP, CME
Schaeffer Nassar Scheidegg Consulting Engineers, LLC (SNS)

SUBJECT: Engineers Report for October 26, 2021

DATE: October 22, 2021

PROJECTS:

NF13-00 Atlantic County Improvement Authority (ACIA) Redevelopment Initiative Grant

The ACIA Grant will establish Redevelopment Initiative for the City of Northfield, previously an application was submitted to ACIA, the County Requested additional information, our office submitted the information back in 2019, (1-19-2020) Requested an update from Mr. Bob McGuigan regarding this grant. **(10-22-2021) Nothing new to report.**

NF13-03 South Jersey Gas (SJG) High Pressure Gas Main Infrastructure Program

For the past 6 years the South Jersey Gas Company worked on upgrading their infrastructure throughout the Municipality, most of the work was finished last year. We are working with the Contractor to schedule the remaining paving repairs. There are no new projects scheduled within Municipal Roads. **(10-22-2021) Nothing new to report.**

NF13-00 Catherine Place and Flow Issues with ACUA

I received the pipe inspection report from the ACUA for the gravity system in the Municipality, the existing sewer mains were lined approximately 15 years ago, only few areas were damaged, and the contractor repaired these areas, according to the report, ground water infiltration was minimal. (1-19-2020) we did not receive any additional information since February 18, 2020. **(10-22-2021) Nothing new to report.**

NF13-37 Municipal Building Parking Lot Paving and ADA Upgrade

We are in the process of designing the necessary ADA upgrade to the municipal building rear entrance, paving and restriping the parking lot. The Municipality will utilize the Atlantic County Improvement Authority Grant to finance portion of the project. We added the library parking lot to the project, and we are working on the field survey. The bid package was not acceptable due to the CCBG funding the bid documents must meet the federal bid guidelines. I met with Bob McGuigan, got all required information, which must be included within the bid package, we will revise the documents accordingly and forward it to him for final approval. Nothing new to report. (4-24-2020) I will get the bid package to the Clerk's office for council review and authorization to go out to bid by May 4th. (5-22-2020) Plans and bid package is at the Clerk's office for Council member review, waiting on the Council authorization to proceed with the bidding process. (6-12-2020) The bid was advertised on June 10th with opening scheduled for July 7th. (7-10-2020) we received two bids only and the I sent a letter recommending to the

reject the bids and bid the parking lots and ADA improvements separately. (8-7-2020) Bid packages are completed and will advertise the projects within a week. (9-11-2020) Project has been advertised with bid opening on October 1st. (10-2-2020) We received bids for the project, based on preliminary review of the bid packages the paving portion of the project came in at \$121,700 and the ADA improvement portion came in at \$149,400 the total cost will be \$271,100 way less than the previous low bid amount of \$433,000. (10-16-2020) we prepared the award recommendations for the paving and the ADA upgrade portions of the project for Council's approval. (11-6-2020) We had a pre-construction meeting for the City Hall ADA ramp project, it is anticipated the project will be completed by the end of January 2021 subject to weather. (11-20-2020) working with the contractor on the ramp shop drawing and getting a price to remove the existing tower. (12-11-2020) All shop drawings and all submittals have been approved the contractor ordered the ramp, I got 2 quotes to remove the tower waiting on the third quote. (1-14-2021) contractor started the work on January 4th and cell tower is being removed on the 15th. (1-28-2021) The contractor will start the foundations next week. (2-12-2021) Concrete work is on hold due to the weather. (2-26-2021) The Contractor will start the foundation works this coming up Monday. (3-12-2021) The foundation and concrete slab are completed, the Paving Contractor will be on site on Wednesday the 17th to start milling the municipal parking lot and should have it paved by the next day, the contractor will move the library's parking lot next. The work on the handicap ramp and steps will start on the Monday the 22nd. (4-1-2021) Both parking lots have been paved and striped, the contractor needs to install the asphalt curbing at City Hall and the concrete bumper stop at the library, this work should be completed by April 6th, the ramp, steps, and new door has been completed, the final inspection is scheduled for the 6th. (4-15-2021) Project is completed, working on punch list items, and final change orders. (6-11-2021) Nothing new to report. (7-9-2021) Contractor submitted final change order for the handicap ramp and steps. (8-6-2021) Levy Construction submitted the last payment request and provided the maintenance bond to the Municipality, also the paving contractor submitted the final change order for the fuel and asphalt prices adjustments, addition asphalt curbing and additional striping at City Hall parking lot, replacement of concrete bumper stops at the library parking lot. (8-26-2021) Arawak submitted the final payment request. (9-10-2021) Working on the close out documents to be sent to ACIA for payment. (9-23-2021) Sent all documents to Dawn Stollenwerk. **(10-22-2021) No update.**

NF13-43 Asset Management Plan

Work has been started on different components of the plan. North American Pipe, LLC has been contracted to video the sewer main along Tilton Road from the manhole by Little Italy Restaurant at Burton Avenue to the manhole at Maple Ave. and Roosevelt Ave. we found a major sewer main break at the intersection of Tilton and Burton causing major roadway settlement, also Infra Structurer Assessment, LLC started to inventory the sewer system. We are working on completing the sanitary sewer system inventory. I will be meeting with Public Works Director on March 9, 2020, to go over portion of the plan and to determine the section sewer main that needs to be inspected. We are finalizing the list for the portion of the sewer main to be videoed. Waiting to hear back from Contractor if able to work. (10-16-2020) working on the schedule to move forward with to video portion of the sanitary sewer pipes. (3-12-2021) Will be starting to video the sewer main on Monday the 22nd, I am meeting with Qwin to finalize the scope of this portion of the project. (4-1-2021) The contractor had to reschedule the work to mid-April. (4-15-2021) Did not get the new schedule from the Contractor yet. (4-30-2021) The contractor started to video the sewer main, we encountered few issues which needs to be addressed in the asset management plan. (5-14-21) waiting on the contractor to send the pipe videos for me to review. (6-11-2021) reviewed the tapes, there are additional few minor issues, and the recommendations will be incorporated into the final document. **(10-22-2021) Working on the report.**

NF13-27 Grant Applications:

(5-22-2020) working on the 2021 Municipal Aid Grants for the reconstruction and widening of Merritt Drive, portion of Ridgewood Drive and possible drainage system upgrade. Also, I received an email from the ACIA stating that the municipality does not qualify for CDBG for recreational use (we do not meet the LMI requirements as set by HUD) the only project we can apply for are ADA compliance or projects for Senior Citizen. (6-12-2020) Finalizing the Municipal Aid Grant application for Merritt Drive and working on the CDBG grant to upgrade ADA access to the picnic area at Birch Grove Park. (7-101-2020) The 2021 Municipal Aid Application has been submitted and there is a resolution on the agenda, which needs to be sent to the NJDOT no later than July 31, 2020. Nothing new to report. (10-16-2020) we had a zoom meeting with the NJDOT Local Aid to discuss the Transportation Alternative Set-Aside program grant for the bike path upgrade. (11-6-2020) working with Mary Canesi on the grant application and getting all the supporting documents and preparing a concept plan to be submitted with the application. (11-20-2020) The bike path grant application will be submitted by the 24th. Grant

Application was submitted November 24, 2020. (4-15-2021) New grant opportunity for recreational facility from the NJDEP, to be discussed. (4-30-2021) We need to file the new CDBG Grant by May 14, 2021. (5-14-2021) CDBG application was submitted to the ACIA, and currently working on the recreational grant offered by NJDCA. (6-11-2021) the DCA grant application was submitted, the Urban Parks Grant application will not comply with most of the environmental restrictions and requirements. (7-9-2021) Submitted the 2021 Municipal Aid Grant Application for the reconstruction of Oak Avenue. **(10-22-2021) No update.**

NF13-03 New Jersey American Water Company System Upgrade:

(1-19-2020) Multiple water main upgrade projects were completed last year, so far there are no new project scheduled within the Municipal Roadways. (2-24-2021) I had a meeting with Tim Green from the NJAWC to discuss the main relocation along Birch Grove Park Road. (3-12-2021) Received the street opening application for the main relocation along Birch Grove Park Road. (4-1-2021) South State subcontractor will remove the trees on the 5th, so the NJAWC will be able to relocate the water main. (5-14-2021) waiting on the NJAWC schedule. (6-11-2021) the water main has been relocated. (7-9-2021) NJAWC finished the work along Birch Grove Park Road. (9-10-2021) Working with the NJAWC on the covered valves issue. (9-23-2021) NJAWC applied for 6 Street Opening Permits. **(10-22-2021) No update.**

NF13-03 Street Opening:

(10-8-2021) 6 street opening permits was processed.

NF13-44 2020 Local Road Paving Program

(10-2-2020) This project originally included portion of Second Street, Portion of Franklin Avenue, portion of Fairbanks Avenue, Portion of Bates Avenue, Portion of Maple Avenue including drainage, Half width Haddon Avenue, portion of Wabash Avenue, Half width of portion of Ridgewood Avenue, Half width of portion of Glencove Avenue. During the design process a portion of Cedar Bridge, Cedar Spring Court and the re-alignment of Birch Grove Park Road were added to the scope of this project, design plan and bid packages will be ready for Council's review and approval at the October 20th meeting. (10-16-2020) bid package and plans needed additional revisions and was not completed on time for the Council's approval at this meeting, package will be ready for the next Council meeting. (11-6-2020) Bid package was delivered to the Clerk's Office; we are requesting an authorization to proceed with the bid. (11-20-2020) Bid opening is set for December 10th. (12-11-2020) We received 6 bids and the lowest bid was from South State, Inc. in the amount of \$527,756.00, the recommendation of award is on the Council's agenda for approval for this meeting. (1-14-2021) we had the pre-construction meeting on the 11th, the contractor tentatively will start the drainage component of the project in February. (2-26-2021) We sent the notice to proceed, the contractor is starting the drainage improvements on March 1, 2021. (3-12-2021) The drainage pipe along Maple has been completed, and the Contractor will start the concrete work next week. (4-1-2021) The concrete work will start on the 5th. (4-15-2021) Contractor is not finished with the concrete work. (4-30-2021) All concrete has been completed, working with the Contractor on the paving schedule. (5-14-2021) Nothing new to report. (6-11-2021) the contractor started the paving portion of this project on 6/9/2021. (8-6-2021) The contractor will finish the paving and start on the punch list items the week of August 9th. (8-26-2021) The Contractor started the work on the punch list items, we sent him an email indicating the time for project completion is no later than September 15, if not finished by then, the Municipality could assess liquidated damages. (9-10-2021) the contractor finished 80% of the punch list items. **(10-22-2021) Working on the payment request and the final change order.**

NF13-45 Reconstruction of Fuae Avenue (Municipal Aid FY 2020)

(5-22-2020) The City was approved for \$ 290,000.00 from the NJDOT 2020 grants for the reconstruction of Fuae Avenue between Zion Road and Dolphin Avenue. The design plan has been completed; we sent the design plans and the bid package to the NJDOT for their concurrence for the design and specifications. Also, we have dropped off a complete package at the Clerk's Office for Council Member review and approval. (6-12-2020) We received a letter from the NJDOT requiring minor revisions to the bid package, we are working to get the changes finished and sent back to the DOT by June 16th. (7-10-2020) Project has been advertised for August 4th bid opening. (8-7-2020) We received 4 bids the lowest bidder was Hackney Concrete, Inc (\$302,112.80) the estimated project

budget was \$300,000.00 and a Recommendation of Award was sent to Council for approval. (8-28-2020) waiting on the NJDOT concurrence with the bid award, so we can move forward with the construction. (9-11-2020) We received the concurrence from the NJDOT, and the per-construction meeting will be held on the 14th. (10-2-2020) Nothing new to report. (10-16-2020) Contractor is starting the concert work on Monday the 19th. (11-6-2020) Contractor started the concrete portion of the project. (11-20-2020) The concrete portion of the project will be completed by November 24th and the paving portion is scheduled for the first week in December subject to the weather. (12-11-2020) All concrete and drainage work have been completed, the paving contractor is scheduled for the week of the 14th the Contractor submitted Payment Request # 2. (1-14-2021) the paving portion of the project is on hold until this spring to ensure proper paving. (3-12-2021) Paving Contractor will mobilize early next week after the library parking lot is completed, it will take approximately one week to complete the paving portion of this project, also the contractor will start the turf restoration behind the installed curb after the paving is completed. (4-1-2021) The contractor started the turf restoration, and they will be starting on the pavement punch list items next week. (4-15-2021) working on the punch list items and the final change order. (8-6-2021) We had a walk thru with a representative from the NJDOT, found the project substantially completed, waiting on the contractor to finish the punch list items, so we can close this project out. (8-26-2021) Contractor will finish the punch list items by September 10th. (9-10-2021) the contractor started the work on the punch list items on the 8th. (9-23-2021) No Update. (10-8-2021) We ordered the asphalt core testing, so we can prepare the final change order and close out the project with the NJDOT. **(10-22-2021) No update.**

NF13-48 Reconstruction of Merritt Dr. and p/o of Ridgewood Dr. (Municipal Aid FY 2021)

On November 16, 2020, The City was selected to receive \$ 310,000.00 from the NJDOT Fiscal Year 2021 Municipal Aid Program the Reconstruction of Merritt Drive and portion of Ridgewood Drive between Route 9 and Wabash Avenue. Nothing New to report. (1-14-2021) we started the project design. (4-15-2021) Working on the design plan, should be completed by the end of April. (5-14-2021) The plan and specification will be at the Clerk's Office by the end of May for review and approval by Council. (6-11-2021) the plans and bid package is at the Municipal Clerk's office for the Council members to review. (7-9-2021) sent the package to the NJDOT for their concurrence. (8-26-2021) we received the NJDOT comments on the plans and bid package, we addressed all the issues and sent back the revised package for the NJDOT concurrence, so we can advertise the bid. (9-10-2021) the project has been advertised for bidding. (9-23-2021) No Update. (10-8-2021) We had bid opening on the 5th and I have submitted the recommendation for award for the Council members review and approval. **(10-22-2021) We received the Award Concurrence from the NJDOT, so we can move forward with Pre-construction meeting and schedule the work with the contractor.**

NF13-49 Slip Line Portion of the Existing Sanitary Sewer Mains

(8-6-2021) On June 15, 2021, The City awarded the slip lining contract to En-Tech Corop of NJ, for the sum of \$221,277.63. We had the pre-construction meeting on July 29, 2021. During the meeting the contractor requested that an employee from public works be present when they are slip lining the sewer main, to monitor the sewer flows and to address any issue that might come up, the work is scheduled to start the first week of September. (8-26-2021) No update. (9-10-2021) Contractor will start the pipe cleanup next week he had an issue with the NJAWC allocating a fire hydrant for their use. (9-10-2021) the Contractor is scheduled to start on the 14th. (9-23-2021) Contractor started the pipe cleaning on September 20, 2021. (10-8-2021) The contractor finished cleaning the lines and will start the slip lining on the 11th, project should be completed by October 22nd. **(10-22-2021) The project was completed we have an issue with a section of the liner near Roosevelts and Route 9, the Contractor will repair on Monday, total sewer main lined is 4,480'.**



EMPLOYEE HANDBOOK
AND
PERSONNEL POLICIES AND PROCEDURES
MANUAL

ADOPTED October 26, 2021

EFFECTIVE November 1, 2021

AT-WILL STATEMENT & DISCLAIMER

The contents of this Employee Handbook and Personnel Policies and Procedures manual (“the Manual”) summarize the current benefits and guidelines within the municipality (“the Employer”) and are intended as guidelines only to acquaint employees with his/her employment for the Employer. The policies and practices contained in this Handbook are only guidelines and maybe canceled or changed by the Employer at any time with or without notice, and any such action shall apply to existing as well as future employees. This Handbook is not intended to nor does it create an employment contract between the Employer and any of its employees.

As such, the contents of the Manual DO NOT CONSTITUTE THE TERMS OF A CONTRACT OF EMPLOYMENT.

Except as otherwise provided by a collective bargaining agreement or applicable law, all employees are employees at-will. This means that any employee may voluntarily terminate his/her employment at any time, for any reason. It also means that the Employer may terminate any employee's employment at any time, with or without good cause. Nothing contained in this Handbook constitutes a contractual right, express or implied. No provision contained in this Handbook or any other policy or procedure may be changed by any oral statement but must be in writing signed by an authorized representative of the Employer.

This Manual supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that the Employer will comply with all federal, state and local laws. Should any provision in this Manual be found to be unenforceable and/or invalid, This Handbook is not meant to affect, or to be a comprehensive description of local, State or federal statutes, rules or regulations, disciplinary procedures, employment benefits, workers' compensation, leaves from employment, employee compensation, the policies, practices and procedures of the Employer, or collective negotiations. Employees' rights and responsibilities are always governed by existing law and any applicable collective negotiations agreement or established past practice. Nothing in this Handbook provides legal rights in addition to those, if any, provided to employees under local, State or federal statutes, rules, regulations, collective negotiations agreements or established past practice. If any part of this Handbook conflicts with local, State or federal statutes, rules, regulations, executive orders, a collective negotiations agreement or established past practice, the part of the Handbook which conflicts with a local, State or federal statute, rule, regulation, collective negotiations agreement or established past practice will be null and void as it applies to the affected group of employees. However, such finding does not invalidate the entire Manual, but only the subject provision. Likewise, if at any time, any local, State or federal statutes, rules, regulations, executive orders or collective negotiations agreement

should be amended, this Handbook will be deemed to have been likewise amended, even though actual changes to the Handbook have not been made.

This Manual has been written so as not to conflict with the collective bargaining agreements between the City of Northfield and its unionized employees. If there is a conflict between this Manual and any collective bargaining agreement, the provisions of the collective bargaining agreement will prevail for represented employees. This Manual has been written so as not to conflict with the provisions and mandates of the laws and regulations governing employment in the State of New Jersey. If there is a conflict between this Manual and any such mandate pursuant to law, such law will prevail for covered employees.

The City of Northfield retains all rights to discharge or discipline employees. As an employee of the City of Northfield, you agree to conform to all applicable policies, procedures, rules, regulations, statutes and collective negotiations agreements.

In the event of a declared State of Emergency or otherwise, if any local, State or Federal statute, rule, regulation or Executive Order temporarily amends, alters, suspends or discharges any of the terms set forth in this Employee Handbook, the terms and provisions herein shall be similarly temporarily amended, altered, suspended and or discharged, without the need for formal written amendment of this Employee Handbook.

Employees in Collective Negotiations Units - Many employees have job titles where the terms and conditions of employment are governed by a collective negotiations agreement between the Employer and the recognized collective negotiations unit(s). If an employee's job title is part of a recognized bargaining unit, the employee should always consult his/ her collective negotiations agreement, if applicable.

Non-Contractual Employees - An employee whose job title is not the subject of a collective negotiations' agreement should consult the Municipality's Administrative Code and any applicable local, State or Federal statutes, rules and regulations.

This Handbook shall apply to all employees of the Employer, including part-time, seasonal and/or temporary employees, and volunteers.

All employees will be notified when any material changes are made to the policies contained in this Handbook.

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SECTION ONE: GENERAL PERSONNEL POLICIES

AMERICANS WITH DISABILITIES

The City of Northfield complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The City of Northfield will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The City of Northfield also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The City of Northfield's nondiscrimination policy applies to all aspects of the City of Northfield-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

Definitions. The Americans with Disabilities Act defines an individual with a disability as any person who:

- (1) has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions, such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide

dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Employer that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Requesting Accommodation. Qualified employees or prospective employees with disabilities may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to the Mayor of the City of Northfield. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired.

The City of Northfield may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The City of Northfield will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the City of Northfield's business operation.

To further the City of Northfield's nondiscrimination policy, the City of Northfield will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- Determine whether a reasonable accommodation can be made for a qualified individual.

The Employer will endeavor to make every work environment handicap accessible and consider reasonable accommodations, when appropriate. Future construction and renovation of facilities will be in accordance with the ADA Accessibility Guidelines, as well as the ADA Amendments Act.

Reasonable accommodations that the City of Northfield may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:

- Making existing facilities accessible and usable;
- Job restructuring;
- Part-time or modified work schedules;
- Acquiring or modifying equipment or devices;
- Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
- Reassignment to a vacant position.

The City of Northfield is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any applicant or employee has questions concerning the City of Northfield's equal employment opportunity policy, he or she should contact the Mayor of the City of Northfield.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Northfield is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws.

The Employer will make all personnel decisions without regard to race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), pregnancy, childbirth, breastfeeding, political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law, unless required by a bona fide occupational qualification.

Accordingly, personnel decisions are made in accordance with principles of Equal Employment Opportunity by imposing only nondiscriminatory job requirements. If any employee or

prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, the Mayor or his designee, or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

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

POLICY AGAINST HARASSMENT

The City of Northfield is committed to providing a work environment that is free of discrimination. The City of Northfield will not tolerate harassment of or by employees towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

Applicability. This policy applies to all people employed by the City of Northfield, as well as volunteers working on behalf of the City of Northfield, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the City of Northfield are also expected to abide by the policy. In addition, no employee shall be required to withstand behavior from the public which violates this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the designated Affirmative Action Officer, to the Mayor, or to any management representative which he or she feels most comfortable to relay the problem. Appropriate action will be taken against any non-employee.

Purpose. This policy is designed to ensure all employees a work environment free of any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees about harassment based upon a protected status and to provide employees with a procedure to bring complaints to management's attention.

Provisions. All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The City of Northfield prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities),

atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:

- A. Treating an individual less favorably based on a person's protected group status;
- B. Using derogatory or demeaning slurs to refer to a person's protected group status;
- C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;
- D. Using derogatory references regarding a protected group status in any job-related communication;
- E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or
- F. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

Sexual Harassment. It is the City's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The City of Northfield prohibits sexual harassment from occurring in the workplace or at any other location at which City sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment. The City of Northfield prohibits sexual harassment by its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including immediate dismissal from employment.

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
- (3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct: No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but shall not be limited to:

- (1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
- (2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
- (3) The display of sexually graphic pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;
- (4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another employee's body.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or

the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

Complaint Procedure. Any employee who feels he or she has been subject to harassment should report the incident directly to the designated Affirmative Action Officer. The designated Affirmative Action Officer will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Alternatively, any employee who feels he or she has been subject to harassment should report the incident directly to the Mayor of the City of Northfield. The Mayor will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The names and telephone numbers of the designated Affirmative Action Officer and Chief Administrative Officer are contained in the Contact Information attached to this policy.

Any individual uncomfortable reporting an incident to the designated Affirmative Action Officer and/or Mayor should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment.

All City of Northfield employees should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on the City of Northfield's property during regular work hours for an employee to file a complaint under this policy.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the City generally. The City of Northfield cannot resolve a harassment problem unless it knows about it. The City of Northfield strongly encourages employees who witness conduct which they believe violates the City of Northfield's Policy Against Harassment to report the violation pursuant to this complaint procedure. The City of Northfield encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Investigation Procedure. The City of Northfield shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The designated Affirmative Action Officer

and/or Mayor shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include any third party deemed appropriate.

The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused.

If the City of Northfield determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective bargaining agreements, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location with the City of Northfield.

In the event that the City of Northfield determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

Privacy. To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the City of Northfield will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment.

Alternatively, the supervisor shall report the matter to the designated Affirmative Action Officer and/or Chief Administrative Officer for resolution.

Retaliation Prohibited. The City of Northfield encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, it is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the designated Affirmative Action Officer and/or Mayor. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Legal Effect. This Policy Against Harassment is to be construed as a unilateral expression of the policy of the City of Northfield concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any employee with questions regarding the City of Northfield's Policy Against Harassment should contact the designated Affirmative Action Officer and/or Chief Administrative Officer.

Training. The City of Northfield recognizes the need to reinforce its policies with effective training. Training is to be provided to all supervisory and non-supervisory employees. Ultimately, the goal of effective training is to build a culture in which all employees feel safe. Training may be conducted in person or through electronic means. To the extent economically and operationally feasible, training should be conducted live whenever possible. Training should empower participants to intervene appropriately when they witness harassment or discrimination. This means not only training participants on the requirements of the policy prohibiting harassment and discrimination, but also training participants on tools for response and lodging complaints. Training should emphasize the negative impact of harassment and discrimination on employees, workplace productivity, workplace culture, and encouraging those employees who either experience harassment/discrimination or witness it to report it.

Monitor for Compliance. The City of Northfield acknowledges the importance of ensuring that the City of Northfield's policies and procedures are actually working as intended to prevent sexual harassment and other forms of discrimination from occurring in the workplace. It is the expectation of the City of Northfield that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance. The City of Northfield will engage in proactive efforts to monitor and ensure compliance with its policies within their workplaces.

Contact Information

AFFIRMATIVE ACTION OFFICER, MUNICIPAL CLERK, 609-641-2832 X 123

POLICY PROHIBITING WORKPLACE VIOLENCE

The City of Northfield has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the City of Northfield, its employees or which occur on the City of Northfield's property, or at City of Northfield events, or under other circumstances that may negatively affect the City of Northfield's ability to conduct business will not be tolerated.

Threats or Acts of Violence Defined. "Threats or acts of violence" include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions with the City of Northfield, or to create a hostile, abusive, or intimidating work environment for one or more employees.

Examples of Workplace Violence. General examples of prohibited workplace violence include, but are not limited to, the following:

All threats or acts of violence occurring on City of Northfield property, regardless of the relationship between the City of Northfield and the parties involved in the incident.

All threats or acts of violence not occurring on City of Northfield property but involving someone who is acting in the capacity of a representative of the City of Northfield.

All threats and acts of violence not occurring on City of Northfield property involving an employee of the City of Northfield if the threats or acts of violence affect the legitimate interest of the City of Northfield.

Any threats or acts resulting in the conviction of an employee or agent of the City of Northfield, or of an individual performing services on the City of Northfield's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the City of Northfield.

Specific Examples of Prohibited Conduct. Specific examples of conduct which may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to:

Hitting, fighting, pushing, or shoving an individual or throwing objects;

Threatening to harm an individual or his/her family, friends, associates, or their property;

The intentional destruction or threat of destruction of property owned, operated, or controlled by the City of Northfield;

Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;

Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City of Northfield;

Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;

Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;

Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on City of Northfield property.

While employees of the City of Northfield may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

Application of Prohibition. The City of Northfield’s prohibition against threats and acts of violence applies to all persons involved in the City of Northfield’s operation, including but not limited to City of Northfield personnel, volunteer, contract and temporary workers, and anyone else on City of Northfield property. Violation of this policy by any individual on City of Northfield property, by any individual acting as a representative of the City of Northfield while not on City of Northfield property, or any individual acting off of the City of Northfield property when his or her actions affect the public interest or the City of Northfield’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination.

Procedures for Dealing with Acts of Workplace Violence. When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact your Department Head or the Municipal Clerk’s Office. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 or the local police department, and contact your Department Head or the Municipal Clerk’s Office. The Department Head will contact the Municipal Clerk’s Office, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the designated human resources official will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Each employee and every person on City of Northfield property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. In cases where the reporting individual is not an employee, the report should be made to the local police department. In cases where the reporting individual is an employee, the report should be made to the employee's Department Head or the designated human resources official. Each Department Head shall promptly refer any such incident to the Municipal Clerks' Office.

The City of Northfield will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution.

Nothing in the policy alters any other reporting obligation established in the City of Northfield's policies or in state, federal or other applicable law.

Confidentiality and Retaliation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Employees shall refer any questions regarding his or her rights and obligations under the policy to the Municipal Clerk's Office.

WHISTLEBLOWER POLICY

As a matter of policy, the City of Northfield abides by all federal, state, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the City of Northfield to implement this policy.

Under the New Jersey Conscientious Employee Protection Act ("CEPA"), N.J.S.A. 34:19-1, it is unlawful for an employer to discharge, suspend, demote, or take other action against an employee because they disclose a policy or practice they reasonably believe is a violation of law, rule, or regulation pursuant to law. CEPA also protects employees who provide information to a public body conducting an investigation into a violation of a law or rule, or if an employee refuses to participate in any activity that the employee believes is in violation of a law, is fraudulent or criminal, or is against public policy concerning public health, safety or welfare. Reprisals against

anyone who makes a complaint under this policy will not be tolerated and violators of the policy will be subject to discipline, up to and including termination, and may be subject to any other liability authorized under applicable law. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the designated human resources official. The written statement should detail the specific information the employee possesses so that the City of Northfield may undertake an investigation.

The City of Northfield or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. More specifically, neither the City of Northfield nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the City of Northfield or another City of Northfield, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;

Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the City of Northfield or another City of Northfield, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care;

Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the City of Northfield or any government entity;

Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the City of Northfield or any governmental entity.

Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes: (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care; (2) is fraudulent or criminal; or (3) is incompatible with a clear mandate of public

policy concerning the public health, safety or welfare or protection of the environment. See N.J.S.A. 34:19-3.

Disclosure to the City of Northfield first, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. The employee must give the City of Northfield a reasonable opportunity to correct the activity, policy or practice. It is the City of Northfield's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A violation can taint the credibility of the City of Northfield and cause the City of Northfield and its employees to be subjected to adverse publicity leading to public distrust.

This policy is important to the City of Northfield. Each employee should seek to resolve any problem within City of Northfield channels before reporting it to any outside person or entity.

SECTION TWO: EMPLOYEE BENEFITS

TYPES OF EMPLOYEES:

The types of City employees are:

1. Probationary Employee: An employee on a trial status during the initial period of employment.
2. Regular Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works as assigned per year.
3. Part-Time Employee: An employee hired on a weekly schedule basis of twenty-nine (29) or fewer hours per week and paid only for hours actually worked. "Part-Time Employees" shall not be eligible for City benefits.
4. Temporary Employee: An employee hired for a specific period of time. A temporary employee is not eligible for City benefits. Temporary employees required to work on a designated holiday shall be paid compensation for hours worked, which will be paid at the regular rate of compensation and in accordance with the applicable wage and hour laws.
5. Seasonal Employee: An employee whose work assignment is limited in duration to a specific seasonal time of year. Seasonal employees required to work on a designated holiday shall be paid compensation for hours worked, which will be paid at the regular rate of compensation. A seasonal employee is not eligible for City benefits.

COMPENSATION

The City of Northfield will pay its employees in accordance with the provisions of applicable collective bargaining agreements, ordinances, and in compliance with the Fair Labor Standards Act ("FLSA") and the New Jersey Wage and Hour Law.

Unless otherwise specified by collective bargaining agreement, employees are paid every two weeks, with overtime being held back for 1 pay period in order to compute payment of the amount due.

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

The Finance Department shall compute earnings as well as deductions. Changes in rate, position, and status shall be supported by a resolution of City Council or by a memo from the Department Head or Council Chair and must be in accordance with the terms of the applicable collective bargaining agreement.

Direct deposit is mandatory. City employees are paid every other Friday. If a pay falls on a holiday, the day of pay shall be the last working day proceeding the normal pay day. Non-exempt employees will have their wages and salaries calculated on an hourly basis. Paychecks are distributed to elected officials monthly.

Paychecks shall be distributed to the employee's Department Head unless other arrangements have been pre-approved. An employee's paycheck may be released to an employee's spouse, designated family member or another person ONLY if authorized in writing by the employee.

Employees are not entitled to retroactive pay increases if an employee separates employment, voluntarily or involuntarily, from the employ of the City of Northfield prior to the retroactive payment, unless otherwise stated in the applicable collective bargaining agreement.

OVERTIME

The City of Northfield complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act.

Exempt Employees. Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act.. The Municipal Clerk shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Mayor or Chief Administrative Officer's prior approval and at the sole discretion of the Mayor or Chief Administrative Officer.

Non-Exempt Employees. All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Mayor or designee. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-quarter hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time, personal time, and compensatory time off are not.

The City may provide overtime compensation in the form of compensatory time off as allowed by the FLSA. The maximum number of hours that an employee may accrue for future compensatory time off is sixty. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet. Employees must make a request to their supervisor at least two days in advance when they want to take compensatory time off. The supervisor will approve the request if the absence does not cause undue hardship to the department. Employees engaged in police and fire protection work may accrue up to 480 hours of compensatory time.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.

Non-Exempt, Full Time or Part Time employees required to work on a designated holiday shall be paid compensation for hours worked on such holiday at one and one-half (1 ½) times their hourly rate of pay. Temporary or Seasonal employees required to work on a designated holiday, as designated in the paid holiday policy, shall be paid their regular rate of compensation.

PAID HOLIDAYS POLICY

Full-time, non-represented Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day

- Thanksgiving Day
- Christmas Day

The City of Northfield reserves the right to change or delete the holidays set forth above.

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

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

An employee who is absent without leave (No Call/No Show) on the day immediately preceding or following a holiday shall lose the holiday as well as pay for that day. If a holiday falls within a period of paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.

Eligibility for Holiday Pay. To qualify for holiday pay, employees must be in pay status the scheduled workday immediately preceding and immediately following the holiday. Any employee who is absent without City approval on the day before or the day after a holiday shall not receive holiday pay unless the absence was approved in advance. If a paid holiday occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as sick or vacation time.

Religious Holidays. Employees who wish to observe religious holidays not designated as a holiday by the City of Northfield may do so without loss of pay by using available personal or vacation days, but only to the extent that the employee has not already used up his or her available personal or vacation days.

Refer to the City's Overtime Policy with regard to how employees are compensated for working on a holiday.

MEDICAL, DENTAL, PRESCRIPTION, AND OPTICAL BENEFITS

PLEASE NOTE: FULL DETAILS OF ALL PLANS CAN BE FOUND IN THE OFFICIAL INSURANCE PLAN DOCUMENTS. IF THERE IS ANY CONFLICT OR INCONSISTENCY BETWEEN THE INFORMATION IN THE POLICY AND PROCEDURES MANUAL AND THE OFFICIAL DOCUMENTS, THE OFFICIAL DOCUMENTS WILL GOVERN.

FOR EMPLOYEES WHO ARE NOT COVERED UNDER THE TERMS OF ANY COLLECTIVE NEGOTIATIONS AGREEMENT, THE CITY OF NORTHFIELD RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE IN ACCORDANCE WITH APPLICABLE LAW. THE CITY OF NORTHFIELD ALSO RESERVES THE RIGHT TO CHANGE INSURANCE CARRIERS IN ACCORDANCE WITH APPLICABLE LAW.

Medical and Prescription. The City of Northfield shall continue to provide a Group Medical Insurance and Prescription Coverage for full time employees working on average thirty (30) hours per week or more and his or her eligible dependents to commence after successful completion of a 90-day probation. The City at its sole discretion retains the right to select and change insurance carriers. Selection of the carrier or carriers is a managerial prerogative not subject to the terms of any collective bargaining agreement. Part-time and full-time temporary or seasonal employees are not entitled to medical insurance benefits.

Dental Coverage. Full-time employees working on average thirty (30) hours per week or more per week and, if applicable, their eligible dependents become eligible to participate in the City of Northfield's dental plan in accordance with the specific requirements of the insurance plan carried by the City of Northfield. The City at its sole discretion retains the right to select and change insurance carriers. Selection of the carrier or carriers is a managerial prerogative not subject to the terms of any collective bargaining agreement. Part-time and full-time temporary or seasonal employees are not entitled to dental insurance benefits.

Optical Coverage. The City of Northfield shall continue to provide an Optical Benefit Program for full time the employee and his or her family to commence after successful completion of a 90-day probation. The City at its sole discretion retains the right to select and change insurance carriers. Selection of the carrier or carriers is a managerial prerogative not subject to the terms of any collective bargaining agreement. Claims are generally sent directly to the insurance carrier by the optical services provider. Optical coverage may continue during a personal leave of absence up to three months at the employees own expense. Extensions may be granted with approval of the Governing Body. Part-time and full-time temporary or seasonal employees are not entitled to optical insurance benefits.

All Coverages. All enrollment is done online, and should be completed in the following instances:

1. New employees beginning service with the City of Northfield.
2. Employees wanting to add an eligible dependent.
3. Employees who wish to drop a dependent.

Enrollment is processed through the Finance Office, and enrollment information is available there. It is the responsibility of the employee to notify the City of any change in dependent status.

The employee will pay extra charges when accrued by the employee. Employees should follow the benefit procedure as described in the plan brochure.

Failure to complete all necessary enrollment steps in accordance with the time frames advised by the City of Northfield will result in a delay of coverage. Additionally, failure to enroll dependents or to make other changes or corrections in coverage may jeopardize available benefits. All employees must notify the City of Northfield of any change in status (i.e., marriage, divorce, birth, adoption, death) within the time frame designed by the health benefit plan that would affect any City of Northfield-provided health insurance. The City of Northfield reserves the right to conduct a coverage audit to verify proper coverage for employees and eligible dependents.

Dependent Defined. The City of Northfield defines “dependents” as used in this policy as it is defined under the State Health Benefits Program. Dependents means an employee’s spouse and the employee’s unmarried children under the age of twenty-six (26) years who live with the employee in a regular parent-child relationship.

“Children” includes stepchildren, legally adopted children and foster children provided that they are reported for coverage and are wholly dependent upon the employee for support and maintenance. See N.J.S.A. § 52:14-17.26. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service.

The term “dependents” does not include spouses of retired persons who are otherwise eligible for benefits under the State Health Benefits Program (N.J.S.A. § 52:14-17.25 et seq.) but who, although they meet the age eligibility requirement of Medicare, are not covered by the complete federal program.

Payments of such premiums by the City of Northfield will terminate upon the employee’s separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

Continuation Coverage. An employee and his/her family, if covered by the City of Northfield’s group health care package, shall have the right to temporarily continue their coverage due under the plan, paying the group rate themselves, should they lose coverage due to the death of the enrolled employee or termination for reasons other than gross misconduct on the employee’s part, pursuant to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). At the time of the employee’s termination of employment, the Finance Department will notify the insurance plan administrator of such action. Thereafter, the insurance plan administrator will forward the employee a notification of their COBRA rights and instructions regarding continuation of coverage.

HIPAA COMPLIANCE

The City of Northfield is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act (“HIPAA”) regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the City of Northfield maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

WORKERS’ COMPENSATION

Employees who suffer job-related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers’ Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. The affected employee and their supervisor shall file a “FIRST REPORT OF INJURY”, with all information verified by the person in charge of the employee. The supervisor must notify the insurance carrier as soon as possible and a copy of the “FIRST REPORT OF INJURY” must be given to the Municipal Clerk’s Office, no later than the start of the first work day after the injury occurred. All required medical treatment must be performed by a workers’ compensation physician appointed by the Employer or workers’ compensation carrier. Workers’ Compensation is not a leave entitlement but only a wage replacement arrangement.

Payment for unauthorized medical treatment may not be covered

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

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

This policy does not affect an employee’s rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy, or other Federal or State law.

EMPLOYEE ASSISTANCE PROGRAM

All employees are eligible for assistance through the City's Employee Assistance Program, in accordance with the terms of the City's current contract with the service provider. Contact the Municipal Clerk's Office for current provider information

DEFERRED COMPENSATION:

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

The City approved program includes various investment options; for current plan administration, consult the Finance Office.

Enrollment can be arranged through the Finance Office and is open to any individual who has achieved "regular" status. Contributions to the program are financed solely by the employee, either through direct deposit or payroll deduction.

Benefits received through this program are in addition to any Social Security or Public Employee Retirement System benefits for which the participating employee would be eligible.

PENSION LIFE INSURANCE:

All employees represented by the NJ State Pension Plan are eligible for Pension Life Insurance. Life Insurance is an extension of the NJ State Pension System.

It is the employee's individual responsibility to keep information on file related to this policy up-to-date. Additional information concerning life insurance is available through the Finance Department or by contacting the New Jersey Division of Pensions and Benefits directly.

RETIREMENT SYSTEM:

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Chief Financial Officer will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

If a member terminates service without retiring, accumulated contributions, with earned interest are refundable upon request to the NJ Division of Pensions and Benefits. Employees are vested with a minimum of ten years of service under the plan.

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

Newly hired employees complete a paper enrollment form; thereafter, all enrollment is done online.

SOCIAL SECURITY:

All non-police employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits:

1. Retirement insurance
2. Survivor's insurance
3. Disability insurance
4. Medicare
5. Supplemental income

These benefits are in addition to the Public Employees' Retirement System benefits for which the employee may be eligible to receive.

Financing of the program is accomplished by employee payroll deduction contributions and through a match paid by the City. The exact percentage to be contributed is determined by the employee's classification. Employee contributions stop each year once they have paid the required percentage as designated by the Federal Government. The salary limit and percentage are subject to change at the beginning of each year according to Federal guidelines.

UNEMPLOYMENT COMPENSATION:

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

An employee who terminates their job voluntarily without good cause may have difficulty collecting unemployment compensation. To be eligible for a voluntary termination must have left employment for a "Good Cause" reason, must be unemployed, physically able to work, available to work, and actively seeking work. Reasons for establishing eligibility for unemployment compensation are available from the NJ Department of Labor and Workforce Development. An employee may be referred to the Municipal Clerk for discussion of "Good Cause" reasons.

The City of Northfield may contest the claim of an employee who quits without "Good Cause" or who terminates employment for other reasons.

Any communications from the State Unemployment Office by Department Heads should be forwarded to the Municipal Clerk immediately upon receipt of same so the City may contest the claim, take part in the interview process, or acknowledge the claim as valid.

SECTION THREE: LEAVES OF ABSENCE

VACATION LEAVE POLICY

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

Full-Time Employees:

- One (1) day for each full month of continuous service during the first calendar year of employment (“Year 1”) after completing ninety (90) day probationary period.
- Twelve (12) days for Years Two (2) through Five (5), inclusive.
- Fifteen (16) days for Years Six (6) through Ten (10), inclusive.
- Eighteen (19) days for Years Eleven (11) through Fifteen (15), inclusive.
- Twenty (22) days for Years Sixteen (16) through Twenty (20), inclusive.
- Twenty-Two (25) days after the completion of Twenty (20) years.

During an employee’s ninety (90) day probationary period, no vacation time is earned or available. Upon completion of the probationary period, one day will be credited for each month worked (calculated back to date of hire).

Approval of Vacation Leave. An employee’s supervisor must approve the use of vacation time, in advance. While approval of vacation leave shall not be unreasonably withheld, the use of vacation leave shall be subject to staffing levels as solely determined by the supervisor or Department Head. Employees should submit vacation requests as early as possible to ensure adequate staffing. Absent emergent circumstances, a request to use vacation leave submitted less than three (3) days prior to the day(s) off requested shall be granted only at the discretion of the Department Head. A Department Head and next ranking employee CANNOT take vacation leave over the same period of time. All vacation requests will be submitted in writing, verbal requests will not be accepted. Vacation leave for Department Heads and Key Personnel will coordinated with and approved by the Municipal Clerk.

Vacation leave may be carried into the following year up to a maximum of five (5) days per year. If more than five (5) days are to be carried over, the Department Head must certify to the CFO the reason for the carry over. The CFO must secure the permission of the Council Chairperson in order to allow a carryover of more than five (5) days. Full-time employees shall have the option not to use up to five (5) vacation days each calendar year to which they are entitled with the agreement that the City shall buy back those vacation days at the employee's daily rate of pay. The buy-back shall be paid to the employee in one lump sum on the first pay date of December.

A vacation, once begun, will count as the employee's vacation even if illness occurred during the vacation.

Employees Covered under a Collective Bargaining Agreement – The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the City of Northfield. Wherever employment details in this policy differ from the terms expressed in a collective bargaining agreement with the City of Northfield, the specific terms of the collective bargaining agreement will control.

PERSONAL DAY POLICY

Full time employees are entitled to two (2) personal days per year and any unused days are forfeited at the end of each calendar year. During the first year of employment, time shall be earned at the rate of one (1) day for each six (6) months of service.

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SICK LEAVE POLICY

Full time employees: The purpose of sick leave is to allow the continuation of salary and benefits for eligible employees of the City of Northfield. The City has the obligation and the right to prevent

sick leave abuse. Each and every instance of not reporting to work and not calling to report the absence (No Call/No Show) and similar absences will be subject to disciplinary action.

Employees are required to call in each day of their absence unless otherwise directed, and notify their supervisor whether the absence is for themselves or for a family member. The employee must call in personally unless they are hospitalized. Employee must call in not less than one (1) hour before the start of their shift. Failure to call in or report for work (No Call/No Show) for two (2) consecutive scheduled work days, or 2 days in a 12-month period, in the absence of significant incapacity of the employee, will be considered voluntary resignation not in good standing.

New full time City Employees will be allocated one (1) day per month beginning with the completion of work for a majority of the first calendar month of employment, to a total of twelve (12) days for the calendar year.

Commencing with the first calendar month of the second year of City employment, full time employees are entitled fifteen (15) working days of sick leave per calendar year. Sick leave may be accumulated to an amount equal to two hundred twenty-five (225) days, no further accumulation shall be allowed until sick leave is reduced below this level. Sick leave must be earned in order to be used. The employee must reimburse the City in cases where sick time is credited in advance but not actually earned by the employee. The City of Northfield reserves the right to take appropriate action to recover monies uncollected including withholding from the employee's pay. The City also reserves the right to apply all or part of an employee's wages from their last paycheck by way of reimbursement of owed time, when an employee is no longer in City employment.

The City of Northfield permits an employee, pursuant to N.J.S.A. § 34:11D-3(a), to use the earned sick leave accrued for any of the following instances:

- (1) Time needed for diagnosis, care, or treatment of, or recovery from, the employee's own mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) To aid or care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) If an employee or a family member are a victim of domestic or sexual violence, and are obtaining services from a designated domestic violence agency or other victim services organization, medical attention, legal services, counseling, or are relocating due to the domestic or sexual violence;

(4) Closure of an employee's workplace, or of the school or place of care of an employee's child, due to an epidemic or public health emergency, or because of the issuance by a public health authority of a determination that the presence of the employee or their family member in the community would jeopardize the health of others; or

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

In regard to the above, the City of Northfield requires three (3) days' notice for any foreseeable use of leave. If the use of leave is unforeseeable, the employee should notify the City of Northfield as soon as practicable of their need to use same. Should an employee need to use five (5) or more consecutive days of leave, said employee must provide the City of Northfield with reasonable documentation that the leave is being taken for one of the purposes permitted above. Reasonable documentation shall be as defined in N.J.S.A. § 34:11D-3(b). After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration.

Employees will not be paid for any unused sick leave upon separation of employment except as expressly required by federal or State laws, an applicable collective negotiations agreement, or other employment contract. An employee who exhausts all paid sick leave in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.

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PART TIME EMPLOYEES – PAID TIME OFF (PTO)

Part time employees shall receive a bank of paid time off (PTO) to be used by the employee in order to be paid for time missed from work for any reason that would otherwise permit a full-time employee to utilize sick leave, vacation leave, bereavement leave or personal leave.

Part time employees shall receive a total of forty-eight (48) hours of paid time off which shall be granted on January 1 of each year, in anticipation of continued employment. In the event an employee separates employment for any reason during the year, the employee shall only be entitled to a pro-rated portion of that time. Likewise, if an employee is hired after January 1st of any year, the employee would receive a pro-rated portion of leave for the remainder of that year. Further, paid time off shall not accrue during any time an employee is on an unpaid leave of absence.

Part time employee shall be permitted to carry over eight (8) hours of paid time off into the next year, but that time must be used by the end of the year into which the time is carried. If not used by the end of that calendar year, it shall be lost with no cash value.

Part time employees shall not be permitted to sell back any portion of their paid time off and it shall have no cash value upon separation of employment.

During an employee's ninety (90) day probationary period, no vacation time is earned or available

<u>Employees Covered under a Collective Bargaining Agreement – The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective bargaining agreement that a union has with the City of Northfield. Wherever employment details in this policy differ from the terms expressed in a collective bargaining agreement with the City of Northfield, the specific terms of the collective bargaining agreement will control.</u>
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DONATED LEAVE PROGRAM

The City of Northfield will permit employees to voluntarily donate accrued benefit time, including sick and/or vacation days, to a fellow employee of the City of Northfield who has exhausted their own earned leave as a result of a catastrophic health condition or injury suffered by themselves or an immediate family member which is expected to require a prolonged absence from work. The Donated Leave Program will be administered in such a manner as to ensure the goals of the program are met without interfering with any employee's rights to privacy as otherwise protected by Federal or State law, rules or regulations.

Eligibility. A full-time employee shall be eligible to receive donated sick or vacation leave if the employee:

1. Has completed at least one year of continuous service;

2. Has exhausted all accrued sick, vacation, personal, compensatory and administrative leave as well as all sick leave injury benefits, if any;

3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined in writing for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and

4. Either:

a) Suffers from a catastrophic health condition or injury;

b) Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or

c) Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

Definitions.

"Catastrophic Health Condition or Injury" shall mean:

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

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

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

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

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

Procedure.

1. Written Request - An employee may submit a request, in writing, to their Department Head or the Chief Administrative Officer to participate in the Donated Leave Program either as a Leave Recipient or Leave Donor. A supervisor may submit a request to receive time on behalf of an employee unable to make the request.
2. Medical Verification - The employee requesting the employee's acceptance as a Leave Recipient shall submit to the City of Northfield medical verification, signed by a physician licensed by the State of New Jersey, concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be. The medical verification required for the receipt of donated leave shall include the nature and anticipated duration of the catastrophic health condition or injury, or the donation of an organ. The same medical documentation set forth above will be required whether applying for donated leave to care for one's self or immediate family member.
3. Notice - Upon approval by the Chief Administrative Officer, the Department Head or Supervisor shall, with the Leave Recipient's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

Participation Requirements.

1. Leave Recipient must receive at least five (5) sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program.
2. Leave Recipient may not collect temporary disability benefits (TDI) or worker's compensation insurance benefits while utilizing time donated.
3. Leave Recipient is limited to a lifetime maximum of two-hundred and sixty (260) donated sick days or vacation days and shall not receive any such days on a retroactive basis.
4. Leave Donors shall have remaining at least twenty (20) days of accrued sick leave if donating sick leave and at least twelve (12) days of accrued vacation leave if donating vacation leave.
5. Leave Donor shall donate only whole sick days or whole vacation days and may not donate more than thirty (30) such days to any one recipient.

6. Leave Donor shall not revoke the leave donation.
7. While using donated leave time, the Leave Recipient shall accrue sick leave and vacation leave under the normal City of Northfield policies and shall be entitled to retain such leave upon his or her return to work.
8. Upon a Leave Recipient's return to work or separation from employment for any reason, any unused, donated leave shall be returned to the Leave Donors on a prorated basis upon the Leave Recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that the leave time shall not be returned.
9. Upon retirement, the Leave Recipient shall not be granted supplemental compensation on retirement for any unused days which he or she had received through the leave donation program.
10. An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving the voluntary donation, receipt or use of donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.
11. Upon receipt of a request to donate time, the human resources official will verify that the Leave Donor is eligible to donate time and said Department will deduct appropriate time from the Leave Donor.
12. Leave Recipients may use donated leave in one-half day or whole day increments. Recipients may return to work on a part time, or intermittent basis, and remain eligible for the program as long as they do not exceed two-hundred and sixty (260) days in a lifetime.
13. An incident is considered closed when the recipient is medically cleared to return to work without restrictions.
14. If the recipient returns to work or otherwise terminates employment, the remaining balance of unused donated leave must be equally returned to all donors in whole day increments only. Partial day increments will not be restored to the donor nor remain credited to the recipient.
15. An illness or injury of an immediate family member requiring an employee's absence from work to provide care must meet the same criteria applicable to an employee's own medical necessity.

FAMILY AND MEDICAL LEAVE

In accordance with the federal Family and Medical Leave Act (“FMLA”), the City of Northfield provides eligible employees with up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees’ rights and obligations under the FMLA and the City of Northfield’s policies implementing the FMLA.

Eligible Employees. Any employee who has been employed by the City of Northfield for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period.

Qualifying Reasons for Leave. An employee may take FMLA leave for any one or more of the following reasons:

- The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;
- A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or
- A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee’s inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);
- Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the Regular Armed forces, National Guard or Reserves on active-duty status during the deployment to a foreign country, and or has been notified of an impending call to active-duty status as such in support of a contingency operation.

Leave Benefits. Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period. **The twelve (12) month period shall be determined by using a rolling twelve (12) month period that commences with the first day of leave taken.**

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Servicemember shall be entitled to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for the Covered Servicemember. During this

single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Servicemember shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

Definitions.

“Covered Servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member’s initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

“Next of kin” means the nearest blood relative of the individual.

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

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

“Serious Injury or Illness” means an injury or illness incurred by a Covered Service member in the line of duty or on active duty in the Armed Forces, National Guard or Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active-duty service, that may render the service member medically unfit to perform the duties of the member’s office, grade, rank or rating.

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

Require Notice and Certifications. When the leave is foreseeable, at least thirty (30) days' advance notice to the City of Northfield, in writing, is required. If thirty (30) days' notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

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

The City of Northfield, at its expense, may require an examination by a second healthcare provider designated by the City of Northfield. If the second healthcare provider's opinion conflicts with the original medical certification, the City of Northfield, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member. For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Service member to support such leave.

Absent unusual circumstances, medical certifications must be provided within fifteen (15) days. The City of Northfield will also require periodic status reports from employees concerning their intended return date.

Failure to provide requested documentation may result in denial of leave. The City of Northfield may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the City of Northfield may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

Utilization of Paid Leave. The City of Northfield will require the use of paid leave, and employees shall be required to exhaust accrued paid sick leave, vacation leave, and personal time, in that order, prior to going on unpaid-leave status. Depending upon the circumstances, employees may be entitled to receive short-term disability, workers' compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee's unpaid leave.

Coordination with other Leave Policies. The period of time attributable to the employee's absence due to any disability, or sick leave, will be counted against available leave under this policy to the extent permitted by law. In certain circumstances, the basis for the leave may qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the City of Northfield will treat the leave concurrently with the leave under those statutes.

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

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

If paid leave is substituted for unpaid FMLA leave, the City of Northfield will deduct the employee's portion of the health plan premium as a regular payroll deduction. If the employee's FMLA leave is unpaid, the employee must pay his/her portion of the premium in accordance with a payment method that is devised and mutually agreed upon between the employee and the City of Northfield.

Employees should consult with their Department Head and human resources official prior to taking an approved leave. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums. With regard to the employee's contribution portion of his/her health benefits pursuant to Chapter 78, P.L. 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the City of Northfield or for any voluntary benefits, to the respective insurance company. Your healthcare coverage may cease if your premium payment is more than thirty (30) days late. With regard to any pension contribution that you may have, you must contact the human resources official to make payment arrangements concerning contributions or credits paid toward your pension benefits. If you fail to return to work after your FMLA leave for any reason except for circumstances beyond your control, you must pay back all unpaid health insurance premiums.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee's own serious health condition, the employee will be required to present

a fitness for duty certification from his/her health care provider that he/she is medically able to resume work. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the City of Northfield within two (2) business days of the change.

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

A failure to return from FMLA leave for reasons other than the employee’s own serious health condition may result in termination of employment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, they must contact the City of Northfield before the expiration of the leave to discuss their options under state and federal law. State leave laws may provide additional leave similar to that provided under the FMLA. The City of Northfield will comply with these state law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

NJ Family Leave Insurance. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of unpaid FMLA leave. The City of Northfield will notify employees of their options to continue to participate in our group health plans during FMLA leave.

NEW JERSEY FAMILY LEAVE

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

Eligible Employees. To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the City of Northfield and have worked at least 1,000 hours for the City of Northfield over the previous twelve (12) months.

Qualifying Reasons for Leave. An employee may take NJFLA leave to care for:

- A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.
- A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.

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

Leave Benefits. An employee may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

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

- As a single block of time.
- By reducing your normal weekly work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
- Intermittently in increments lasting at least one week, but less than twelve (12) weeks in a consecutive twelve (12) month period, when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the City of Northfield's operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any

remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

The City of Northfield will require the use of paid leave, and employees shall be required to exhaust accrued paid sick leave, vacation leave, and personal time, in that order, prior to going on unpaid-leave status. The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of unpaid NJFLA leave. The City of Northfield will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

Required Notice and Certifications.

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

- At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
- In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.
- At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

If advance written notice is not possible because of an emergency, the employee must provide the City of Northfield with reasonable oral notice and then follow up with written notice.

The employee also must give the City of Northfield a medical certification supporting the need for leave. The City of Northfield reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the City of Northfield. If an employee fails to provide the required documentation, the City of Northfield may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with the City of Northfield's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

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

With regard to any pension contributions, the employee must contact the human resources official to make payment arrangements concerning contributions or credits paid toward his/her pension benefits. Employees should consult with the City of Northfield prior to taking an approved leave.

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

Retaliation Prohibited. The City of Northfield and the NJFLA prohibit the interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. The City of Northfield encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the human resources official.

New Jersey Family Leave Insurance. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee's job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Absent unusual circumstances, medical certifications must be provided within fifteen (15) days. The City of Northfield will also require periodic status reports from employees concerning their intended return date.

BEREAVEMENT LEAVE

Full-time employees shall be granted up to four (4) working days of bereavement leave with pay for a death in their immediate family or in the immediate family of the employee's spouse. "Immediate family" means spouse, civil union partner, child, legal ward, stepchild, grandchild, foster child, father, mother, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, aunt, uncle, son-in-law, daughter-in-law, or any relative residing in the employee's household.

In no event shall any part of bereavement leave occur more than twelve (12) days from the date of death. The City of Northfield may require that the employee produce reasonable proof of death and relationship. Bereavement leave shall not be charged to sick or vacation leave and such leave is not cumulative.

Procedure. To use bereavement leave:

1. Employees who request bereavement leave must notify their Department Head of their intent to take such leave as soon as possible. Unless impracticable, employees should request bereavement leave in writing.
2. The Department Head or his or her designee shall notify the designated human resources official that an employee is using bereavement leave.
3. Employees who request an extension of bereavement leave beyond the established number of days shall have such extensions charged to accumulated unused vacation or sick leave. If an employee has used all of his or her accrued leave time, extended bereavement leave will be considered as a request for a leave of absence without pay.
4. Employees who fail to return to work on the date specified to the Department Head without receiving an extension are subject to disciplinary action.

PERSONAL LEAVE OF ABSENCE

Employees may be granted a personal leave of absence for up to six months at the discretion of the Department Head and Council Chair if the leave does not cause undue operational disruption. Requests for a personal leave of absence shall be in writing and submitted to the affected Department Head. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Department Head and Council Chair may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the City of Northfield.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the City's Health Benefits Policy. A personal leave of absence is granted with the understanding that the employee intends to return to work for the City. If the employee fails to return within 5 days after the expiration of the leave, the employee shall be considered to have resigned.

MILITARY SERVICE LEAVE POLICY

The City of Northfield provides military leave in accordance with applicable State and Federal law. In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head with a certificate verifying the call to military duty prior to beginning the military leave.

Organized Militia. Any permanent or full-time temporary officer or employee, who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled to a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, or when required to engage in field training, up to thirty (30) work days in any calendar year. A military leave of absence is in addition to the employees' regular vacation or other accrued leave.

For any leave of absence for such duty in excess of thirty (30) work days, thereafter, the employee shall be paid the difference between military salary and the employee's regular salary. The paid leave will not be counted against any available time off including but not limited to vacation, sick

or personal time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

New Jersey Organized Militia. New Jersey's organized militia consists of the National Guard (Army and Air), the Naval Militia, and the State Guard. Any permanent or full-time officer or employee who is a member of the New Jersey organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence without loss of pay or time on all days during which he or she shall be engaged in State or Federal active duty or when required to engage in field training, up to ninety (90) work days in any calendar year.

For any leave of absence for such duty in excess of ninety (90) work days, thereafter the employee shall be paid the difference between military salary and the employee's regular salary. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

Reinstatement. To be reinstated by the City of Northfield without loss of privileges or seniority, the employee must report for duty with the City of Northfield within the time required by law following release from active duty under honorable circumstances.

In accordance with legal requirement, employees who take military leave are required to:

- Provide the City of Northfield with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Have a creditable military record including completion of all required training and fulltime service and be discharged under honorable conditions.

On return from a military leave of absence, the employee will be reinstated as required by law. See The Uniformed Services Employment and Reemployment Act ("USERRA"). Failure to comply with the requirement enumerated above or as required by law will jeopardize an employee's reemployment rights.

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

JURY DUTY LEAVE

Any Regular Full-Time employee required to render jury service shall be entitled to be absent from work during that service and shall be entitled to be paid their regular salary for that date. If the employee is paid their regular salary, and in the event that compensation is paid by the court for jury service, the employee shall reimburse the City of Northfield for any such payment received. The employee may keep any court payment for services performed on the days of their regularly scheduled days off or performed on vacation or personal leave.

An employee who receives notice of jury duty or witness service must notify their supervisor as soon as possible in order that arrangements can be made to cover their position. Employees are to return to work after jury duty although no more than the regularly scheduled number of hours shall be required. If excused as a juror on any given day, the employee must contact their supervisor and report to work as instructed; employees who fail to do so are subject to disciplinary action.

LEAVE FOR OTHER COURT RELATED MATTERS

Any employee who receives a subpoena and is required to appear in Court as the plaintiff or defendant in any action concerning City of Northfield business must notify the Municipal Clerk and Department Head upon their receiving this document. Employees who appear in court as a plaintiff or defendant in any action NOT concerning City of Northfield business shall not be paid for time away from their duties, unless that time is accrued vacation leave or personal time.

Witness Duty Leave of Absence. The Employer is aware that employees may be subpoenaed to appear as witnesses in trials before the court. The Employer will provide employees with a paid leave of absence for matters stemming from their employment. For personal matters, employees will use available personal days or vacation days.

SECTION FOUR: PERSONNEL RULES AND REGULATIONS

ALCOHOL AND DRUG-FREE WORKPLACE

All applicants for positions that require a CDL license and all employees whose job requires them to possess a CDL license shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, these employees are governed by Federal and State regulations, as well as the attached CDL Drug and Alcohol Testing Policy (Appendix A). Employees hired with the understanding that they must obtain a CDL license will be covered under this Alcohol and Drug-Free Workplace Policy until they obtain their CDL license.

YOUR ROLE AND RESPONSIBILITIES

DRUG-FREE WORKPLACE

The City of Northfield is committed to maintaining a safe, pleasant, and productive working environment. You have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This is considered a Health & Safety Policy of the City. This Policy highlights the City's New Jersey Drug-Free Workplace Policy. The City's Designated Employer Representative (DER) is the Superintendent of Public Works.

The City recognizes the prime importance to the City of protecting the safety, health and welfare of its employees and others with whom we interface such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the City has no intention of intruding into the private lives of its employees, the City does expect employees to report to work unimpaired able to perform the duties of their job safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone's substance abuse. Ultimately an employee with an alcohol or drugs problem may lose their job and/or suffer devastating effects on their health. The City has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty. The failure to honor that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work for the City. Managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or

drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

To the extent this Policy supplements, and does not conflict with current collective negotiations agreements, it is applicable. However, to the extent this policy may conflict with a current collective negotiations agreement (CNA), the CNA shall prevail.

All testing information is considered confidential information by the City and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the City with a job related need to know, the DER or, if applicable, Alternate DER, to defend against any administrative action brought by the employee against the City, in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the employee in writing, the Medical Resource Officer (MRO), City insurers, rehabilitation programs and as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any employee suffering from a substance abuse problem to seek help. Notice of the City's New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on City premises.

Seeking assistance can help improve your health and help you avoid trouble with the law. Even if you do not use drugs or alcohol, this program will make your workplace safer and more productive, the City safer, and will help your friends and co-workers get the help they need. Compliance with this policy is a condition of your hire or continued employment, except to the extent this policy may conflict with a current collective bargaining agreement (CBA), which CBA shall prevail. The City has developed its drug-free workplace policy in compliance with New Jersey Laws, *and the Fourth Amendment to the United States Constitution as it covers employees of governmental entities*

WHO DO WE TEST?

All employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following positions have been classified by the City as safety-sensitive:

- *Firefighters*
- *Employees of the Public Works department whose jobs require a Commercial Driver's License but who have not yet obtained their Commercial Driver's License*
- *Employees of the Public Works department whose jobs do not require a Commercial Driver's License.*

Elected officials who are not otherwise classified as employees are not subject to testing under this Policy.

The Police Department follows Attorney General Guidelines with regard to random drug testing.

HOW DO WE TEST?

Drug and alcohol testing is done through chemical analysis which determines without question if a person has drugs or alcohol in his or her system and in conformity with regulations of the New Jersey Department of Health, or CLIA. Specimens subject to testing include urine, breath, hair, oral fluids, or blood. Specimen collections, chain of custody and drug and alcohol tests will be in substantial compliance with the U.S. Department of Transportation (DOT) procedures if applicable to the type of specimen being tested. To ensure accuracy, urine lab test procedures shall include a preliminary drug screening, two highly sophisticated scientific tests including adulterant detection, and are reported to an independent certified Medical Review Officer prior to being released to the City. Observed urine collections will only be conducted with the consent of the donor, and the observer will be by a person whose gender matches the donor's gender as identified by the donor at the beginning of the observed collection. Observed collections will be conducted in a professional manner that minimizes discomfort to the donor, and a medical professional may serve as the monitor, regardless of gender. The Medical Review Officer may recommend the collection of an alternate specimen (e.g., oral fluid) when a donor is unable to provide a sufficient amount of urine specimen at the collection site. The MRO will verify that chain of custody procedures were adhered to, use of a certified laboratory and that the test results were valid. The City provides reasonable accommodations to employees and/or applicants in the alcohol and drug testing program whose physical condition prevents them from producing a urine specimen suitable for testing. You may contact the DER if you wish to make an accommodation request. In accordance with City policy, a test result reported by the laboratory as a negative dilute urine test is not considered a negative test but subjects the donor to immediate retesting; and a second negative dilute urine test will render an applicant ineligible for hire and current employees, where a negative test is required, not currently fit for duty. FDA approved on-site screening devices may be utilized with all initial positive results confirmed by laboratory testing.

All positive initial tests are confirmed by GC/MS at established DOT cut off levels. An Alcohol content of 0.04 or higher using a DOT approved alcohol screening device, or breath alcohol device, is classified as a positive test. The drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); (5) Opioids, designer drugs, or a metabolite of any of the above substances and mind-altering synthetic narcotics or designer drugs, or impairing effect medications or substances, taken by employees working in a safety-sensitive classified position, in order for the City of Northfield to fulfill its duty to provide a safe place to work as a safety rule. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

WHAT IF YOU TEST POSITIVE?

The Medical Review Officer will contact you confidentially to give you an opportunity to discuss your results before reporting them to the City as a verified positive. You may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the City for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the City that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the City if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the City's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits N.J. Stat. Ann. § 34:15-7 if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

WHAT IF YOU FAIL TO FOLLOW SAFETY GUIDELINES?

Often times, impairment from drugs or alcohol will cause an employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use City provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the employee to discipline, up to and including discharge for violation of City Policy.

WHAT ABOUT IMPAIRING EFFECT MEDICATIONS OR SUBSTANCES?

Any employee working in a safety-sensitive position as defined by City Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This includes medical and recreational Marijuana, the use of which the City, for safety reasons, will not be able to accommodate employees working in safety-sensitive positions. However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have statutory anti-discrimination against the use of medical marijuana laws, qualifying employees, and applicants, may request a reasonable accommodation by contacting the DER and such request will be considered. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive,

is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the City reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The employee need not disclose to the City the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the City, will make the final determination on the safety-related risks of any particular medication or substance.

WHAT IF AN ADULTERANT IS FOUND?

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of the Policy. The same would be true if you attempted to substitute a specimen. Any employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10*. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

WHAT IF I REFUSE?

A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer to be withdrawn and will subject an employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours, of being directed to do so is also classified as a refusal under the City Policy.

WHAT IF YOU HAVE A SUBSTANCE ABUSE PROBLEM?

The City will provide support for employees who need support and help with alcohol or drug dependency via a confidential Employee Assistance Program (EAP). Employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g., where a person is working in a safety critical role) while the individual is receiving treatment. However, the fact that an employee is seeking or undergoing

treatment will not be a defense to a charge of willful misconduct if the employee reports for work under the influence of alcohol or drugs. Our Policy encourages any employee with a drug or alcohol problem to voluntarily and confidentially seek help through our EAP program. Coming forward after you have been notified to report for testing is not considered a voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP. Counseling and rehabilitation for alcohol or substance abuse is available through the EAP, and may also be available under the health and welfare benefit program for employees, only to the extent of the current benefits package. The City will assume no direct financial responsibility for counseling or rehabilitation costs of an employee, not covered by the EAP. Any costs in addition to or in excess of any available health benefits are the employee's responsibility. A list of state and national Substance Abuse Resources is a part of this Policy.

WHY AND WHEN DO WE TEST?

- Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment.
- Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.
- Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the City has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the employee will not suffer a loss of pay.

Post-Accident/Incident Testing: Testing of a safety-sensitive employee may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee's action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the City's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers' Compensation Carrier or Fund. Any on-duty injury subject to testing for the reasons herein may require substance abuse testing with no further notice.

- Random: Employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered employees. Non-DOT safety-sensitive employees may be included in a Non-DOT testing "pool." DOT regulated employees should only be placed in a DOT testing "pool."
- Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work

continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

Violations of this policy may result in disciplinary action up to and including discharge.

APPEARANCE

Each employee is expected to dress appropriately for the job. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Some Departments may have more detailed and restrictive rules governing appearance. Employees are required to abide by applicable Department rules. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. The following factors are relevant to determining appropriate dress:

- nature of work
- safety, including necessary precautions when working with or near machinery
- nature of employee contact with the public and the normal expectations of outside parties toward employees
- practices of others in similar jobs
- consideration of the image the City of Northfield wishes to project

This policy incorporates by reference all references to uniform and dress contained in all collective negotiations agreements in force between the City of Northfield and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct.

ATTENDANCE, HOURS OF WORK, AND BREAK POLICY

Except as otherwise provided by labor agreement (defined as personal or union contract), the normal working hours for employees are eight (8) hours, from 8:30a.m. to 4:30p.m., with a one (1) hour unpaid lunch period. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The lunch period will be scheduled to allow for continuous staffing of all offices with at least one person. No municipal offices will be allowed to be closed during working hours for any reason, without the consent of the Mayor or designee.

Department Employees shall receive a rest period of not less than fifteen (15) minutes, on City time, for each 3 ½ hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each 3 ½ hour work period. No employee shall be required to work more than three (3) hours without a rest period.

The City shall provide each employee with one (1) hour for a meal between the third and fifth hour of each shift. The employee may add the two fifteen (15) minute rest breaks to the meal period with the mutual agreement of his or her supervisor. All rest breaks and lunch breaks shall be arranged by the employee at the discretion of his or her supervisor.

Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. The Department Head shall obtain approval of the Mayor for the adjustment in work hours, except for the meal period.

Individual requests for adjustment of working hours for personal reasons must be evaluated in light of the effect on continuity of service, teamwork, and supervisory assistance.

It is essential that the City of Northfield is able to provide adequate service to the public. Therefore, regular and prompt attendance is required of all employees. Tardiness and absenteeism are disruptive to the operation of the affected City departments and place an unfair burden on other employees. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal work day. Twenty-four (24) hour advance notice of anticipated tardiness is required; notice of unavoidable tardiness is expected when possible. Failure to do so will be construed as an unexcused absence, which may result in disciplinary action, and the day missed will not be paid. Tardiness must be made up during the pay period in which it occurs.

Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

Daily attendance records will be maintained by each department; including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities or abuse, shall be cause for disciplinary action. This may take the form of progressive discipline.

Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Head, with the consent of the Council Chairperson.

BULLETIN BOARD POLICY:

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

COMPUTER USE, ELECTRONIC MAIL, AND INTERNET POLICY

The City of Northfield's Communication Media are the property of the City of Northfield and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the City of Northfield, such as telephones, cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the City's Communication Media for personal purposes during City time on City equipment without prior authorization from the Administration to do so.

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

The City of Northfield respects the individual privacy of its employees. However, employee communications transmitted by the City's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the City of Northfield. The City of Northfield reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the City's Communication Media. By using the City's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by City of Northfield personnel. The existence of passwords does not restrict or eliminate the City's ability or right to access electronic communications. However, pursuant to New Jersey Law, the City of Northfield cannot require the employee to provide the password(s) to his/her personal account(s). Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.

The City of Northfield provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the City of Northfield, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the City's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above the City of Northfield reserves the right to monitor the employee's Internet usage. In addition, the City of Northfield has the right to restrict access to specific types of prohibited content through the use of a content filtering system. Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the City of Northfield are required to use the assigned municipal email account for ALL City of Northfield business and correspondence. The use of private email accounts for ANY City of Northfield business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of

or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the City's Communication Media for legitimate business purposes. Employees may not use City's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any City of Northfield rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the City of Northfield's equipment or on the employee's own personal Communication Media. If an employee receives a message that is representative of an "unauthorized use" of the City of Northfield's electronic media from someone outside of the City of Northfield, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.

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

Information security is necessary to protect the City of Northfield's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the City of Northfield.

All employees may access only data for which the City of Northfield has given permission. All employees must take appropriate actions to ensure that City of Northfield data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All City of Northfield data must be stored centrally as required by the City of Northfield. This provides greater security, and ensures that the backup of all City of Northfield data is performed.

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the City of Northfield. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City of Northfield, or licensed to the City of Northfield. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administration may engage in social media activity during work time through the use of the City's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No City employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Mayor. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the City's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Mayor or designee. Except in "emergency situations", employees are prohibited from taking digital images or photographs with media equipment not owned by the City.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the City's Communication Media. If such situation occurs, employee agrees that any images belong to the City of Northfield and agree to release the image to the City

of Northfield and ensure its permanent deletion from media device upon direction from the City of Northfield.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the City of Northfield or on behalf of the City of Northfield, through the use of the City of Northfield's Communication Media may be issued unless it has first been approved by the City's Administration. Specifically, employees are forbidden from using the City of Northfield's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

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

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

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

If employees choose to identify themselves as a City of Northfield employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the City, as such no employee shall knowingly represent themselves as a spokesperson of the City, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the City, expresses views that are detrimental to the City's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. City employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as City employees.

Nothing in these policies is designed to interfere with, restrain or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours or other terms and conditions of employment pursuant to the National Labor Relations Act. All City of Northfield employees have the right to engage in or refrain from such activities.

Downloading or misusing software available through the Internet could violate copyright laws or licensing requirements.

- The Employer reserves the right to block or cancel an employee's access to Internet sites or the Internet as a whole while using business computers or on the Employer's time.

The e-mail, telephone, and Internet systems, as well as the messages thereon, are the property of the Employer.

- The Employer reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the Employer's discretion. The Employer also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Employer computers or email accounts.

- Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.

- The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Employer or generated by the employee, do not restrict or eliminate the Employer's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.

- Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.

- Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.

- If you identify yourself as an employee in any manner on any internet posting or blog, comment on any aspect of the City's business or post a link to the City, you must include the following disclaimer in an openly visible location: "The views expressed on this post are mine and do not

necessarily reflect the views of the City of Northfield or anyone associated/affiliated with the City of Northfield”

- Under no circumstances shall data of a confidential nature (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Employer. Any other subscriptions are prohibited.
- All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Municipal Clerk or Business Administrator before downloading.
- Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using an Employer computer. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination-based material; attempting to disable or compromise the security of information contained on the Employer's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination-based messages.
- Your Internet postings **SHOULD NOT VIOLATE ANY OTHER APPLICABLE EMPLOYER POLICY**, including, but not limited to, the following: the Employer's Anti-Harassment and Discrimination Policies.

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions communicate with each other; or engage in other concerted activities for their mutual aid and protection.

Social Network Postings

For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of others users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include: blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence

of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Employer and its relationship with the community. This provision identifies prohibited activities by employees on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites.

Specifically, the Employer reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone.

However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees' official job duties.

CONDUCT OF EMPLOYEES

Employees are expected to conduct themselves in a manner which exhibits a respect for the rights and property of the City of Northfield, fellow employees, and residents. The following list, while not all inclusive, identifies examples of inappropriate behavior:

- Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters
- Serious breach of discipline
- Neglect of duty
- Substandard performance, inefficiency, or incapacity
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other City or supplier property.
- Failure or refusal to perform duties, job assignments or management requests.

- Fighting or creating a disturbance among fellow employees
- Engaging in abusive, harassing, threatening or intimidating conduct towards employees, supervisors, volunteers, or members of the public, including using obscene, abusive, or threatening language or gestures.
- Rude or disrespectful conduct toward the public
- Unauthorized disclosure of confidential City information.
- Gambling on City of Northfield premises.
- Horseplay, disorderly conduct, or use of abusive and/or obscene language on City of Northfield premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Sleeping on duty
- • Being under the influence of intoxicants (e.g., alcoholic beverages) or illegal drugs (e.g., cocaine or marijuana) on City of Northfield property, or at a City sponsored function.
- Possession, sale, transfer or use of intoxicants or illegal drugs on City property, or at any time during work hours, or at a City sponsored function.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Using leave for purposes other than for which it was granted
- False statements, misrepresentation, or fraud in application form or any other matter concerning employment
- Chronic or excessive absenteeism or tardiness
- Failure to report absence.
- Disorderly or immoral conduct
- • Bribery Theft or attempted theft of property belonging to the City of Northfield, fellow employees, volunteers or visitors
- Failure to comply with safety, security, or work rules and procedures, or fire regulations
- Falsifying or otherwise altering City of Northfield records or reports, such as applications for employment, medical reports, production reports, time records, expense accounts, absentee reports, or shipping and receiving records
- Negligence or willful damage to public property, tools or supplies, or careless waste, unnecessary or unauthorized use of City of Northfield property, tools, or supplies, especially for personal purposes
- Conviction of a crime or disorderly persons offense.
- Failure to maintain confidentiality of City of Northfield information
- The use or attempted use of one's authority or official influence to control or modify the political action of any employee or engaging in any form of political activity during working hours
- Infringement of policies defined in this manual or failure to comply with departmental rules and regulations
- Failure to maintain workplace and area cleanliness and orderliness
- Smoking where prohibited by ordinance, law or City of Northfield rules
- Improper attire or inappropriate personal appearance

- Engaging in any harassment or discrimination based upon a protected class
- Soliciting on City of Northfield premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Possession of firearms or weapons of any kind on City of Northfield premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Entering the building without permission during non-scheduled work hours.
- Other actions disruptive to the effective, efficient, economical operation of the City of Northfield's affairs
- Conduct unbecoming a public employee. It is important that all employees perform to the best of their abilities at all times.
- Misuse of City property, or removal or use without permission, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Unauthorized charges against a City account.
- Dishonesty.
- Serious misconduct of any kind.
- Participation in a business directly competing with the City.
- Other sufficient cause.

These are mere examples and not an exhaustive list or binding on the City of Northfield. Additionally, the City of Northfield reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Except as otherwise provided by a collective negotiations agreement or by law, employment may be terminated at-will by the employee or the City of Northfield at any time with or without cause and without following any system of discipline or warnings.

CONFLICT OF INTEREST POLICY:

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

The City of Northfield recognizes the right of employees to engage in outside activities that are private in nature and unrelated to City of Northfield business. However, business dealings that appear to create a conflict between the employee and the City of Northfield's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and

officials are required to annually file a state mandated disclosure form. The Municipal Clerk will notify employees and City of Northfield officials subject to the filing requirements of the Act.

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

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

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their City of Northfield duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the City of Northfield or any person or firm seeking to influence City of Northfield decisions. Meals and other entertainment valued in excess of \$25 are also prohibited. Employees are required to report to the Mayor or designee any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The City of Northfield is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The City of Northfield respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The City of Northfield provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees,

minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the City of Northfield's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life-threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public. Employees with such conditions, who are able to meet appropriate standards and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work, he or she is expected to be productive.

DISCIPLINE AND TERMINATION POLICY

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

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

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

Should a supervisor believe that an employee is not conforming to the City of Northfield's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, in order to correct undesirable behavior,

supervisors and managers may utilize the following corrective tools: verbal reprimand; Mayor or designee review; written reprimand; suspension; and dismissal.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Municipal Clerk for the employee's official personnel file.
- **Mayor or designee Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Mayor or designee, the employee will be so advised and a meeting arranged with the Mayor or designee at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Mayor or designee, and the Mayor or designee must review and approve any written performance documentation before it is presented to the employee. Notices of reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Municipal Clerk for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Mayor or designee will make the decision and may seek the advice of the City Labor Attorney, if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Mayor or designee and City Council will make the decision only after seeking the advice of the City Labor Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

At the discretion of City of Northfield, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Neither this manual nor any other City of Northfield guidelines, policies or practices create an employment contract. Within Federal and State law, and any applicable bargaining unit agreement, the City of Northfield shall have the right to terminate an employee at any time and for any reason, with or without notice, except the City of Northfield shall comply with all

Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

The City of Northfield reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Except as otherwise provided by a collective negotiations agreement or by law, employment may be terminated at-will by the employee or the City of Northfield at any time with or without cause and without following any system of discipline or warnings.

DOMESTIC VIOLENCE POLICY

PURPOSE

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

DEFINITIONS

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

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

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

Human Resources Officer (HRO) –An employee of a public City of Northfield with a human

resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the City of Northfield as the primary or secondary contact to assist employees in reporting domestic violence incidents.

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

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

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

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

PERSONS COVERED BY THIS POLICY

All employees are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

The City of Northfield hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

Primary HRO: Municipal Clerk, 609-641-2832 x 123

Secondary HRO: Chief Financial Officer, 609-641-2832 x 106

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

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

The name and contact information of the designated HRO will be provided to all employees.

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

DOMESTIC VIOLENCE REPORTING PROCEDURES

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.

- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
- E. If there is a report of sexual assault or abuse, the victim should be referred to the police department for reporting.
- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- G. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

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

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

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

CONFIDENTIALITY OF EMPLOYEE RECORDS

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

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

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

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. This leave can be taken intermittently in days, but not hours.

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

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

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

To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include

restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

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

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

PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

The City of Northfield has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

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

- G. City of Northfield, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

EARLY CLOSING AND DELAYED OPENING POLICY:

In the event of unsafe conditions, the Mayor or designee may authorize Department Heads to close operations earlier than the normal working hours to protect the safety and welfare of the City employees. In this event employees will receive full pay and no leave allowances shall be affected. If conditions exist prior to scheduled openings, the Mayor or designee shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, the absence may be charged as vacation or personal leave, or time off without pay. Sick leave cannot be used to offset absence from work for pay purposes for other than sickness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police, Fire, or any personnel who may be required to assist in an emergency

EMPLOYEE DATING POLICY

Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

The City of Northfield recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the City has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) the Municipal Clerk.

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

If the employees involved in the relationship are in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment, or other interference with municipal operations.

Nothing in this policy alters an employee's at will status.

EMPLOYMENT REFERENCES

To ensure that individuals who work for the City of Northfield are well-qualified and have a strong potential to be productive and successful, it is the policy of the City of Northfield to check the employment references of all applicants at the City of Northfield's discretion.

Employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to the Municipal Clerk. No employee may issue a reference letter without the permission of the Municipal Clerk. Generally, unless otherwise required by law, the City of Northfield will only confirm employees' name, title, salary, compensation, dates of service, reason for separation, if applicable, and specific educational or medical qualifications required for employment. The City of Northfield's response to a request for reference information shall be communicated in writing only. The City of Northfield does not honor oral requests for employment references.

A current or former employee may also authorize the City of Northfield to release additional information. Unless otherwise required by law, the City of Northfield will only release additional information if the current or former employee provides authorization, in writing.

GRIEVANCE PROCEDURE

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

- Step One: Any employee or group of employees with a grievance shall communicate their grievance to their supervisor or Department Head who will discuss the matter with Mayor or designee and the Municipal Clerk. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.
- Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the Mayor or designee detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting Municipal Clerk and the City's Labor Counsel as appropriate, the Mayor or designee will render a written decision to the employee within five (5) working days after receipt of the written grievance.

The above referenced grievance procedures do not apply to employee complaints made under the City of Northfield's anti-harassment and discrimination policies, or whistle blower policy.

INSURANCE CLAIMS:

No employee will discuss matters involving claims against the City of Northfield and questions should be directed to the Municipal Clerk.

All City employees must notify their supervisor in the case of incidents involving potential claims immediately. The supervisor must submit a written report to the Municipal Clerk within two (2) days. Items reported should include any property damage, no matter how small.

The Municipal Clerk is responsible for receiving all damage claims against the City and reporting them to the City's insurance carrier.

The insurance carrier shall ensure that any applicable provisions of the State Law are met, and see that all claims for damages accurately locate and describe the defect or act that caused the injury, reasonably describe the injury and state the time when it occurred, contain the item(s) damaged and be verified by the claimant or a relative of the claimant, attorney or agent of the claimant.

The Municipal Clerk will refer the claim to the carrier within three (3) working days and provide an informational report to the Council Chairperson on claim status and recommend action to legislative body within thirty days of receipt regarding claims which fall below deductible limits of the existing policies or which are not covered under existing policies.

NEPOTISM

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position if the employment of such an individual would result in the creation of a prohibited employment relationship.

A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.
2. The relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City of Northfield's interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the City of Northfield will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified. Relative includes spouse or significant other, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

PERFORMANCE EVALUATION

The City of Northfield recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. The City of Northfield requires supervisors to conduct performance appraisals to ensure that:

- (1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement;
- (2) each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify with his or her supervisor areas where greater contribution is possible, or where either feels more development would be beneficial; and
- (3) essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

The performance evaluation provides the vehicle for a dialogue between the employee and the supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. Accordingly, the City of Northfield will use a performance review/evaluation system for all employees.

During performance reviews, supervisors will consider, among others:

- Initiative, dependability and effort
- Knowledge of work
- Attitude and willingness
- Quantity and quality of work
- Disciplinary record
- Attendance and tardiness

Probationary Employees are employees on introductory employment status and shall be formally evaluated at the end of the probationary employment period, at which time the employee shall be advised of his or her status (regular or terminated).

A copy of an employee performance evaluation shall be maintained in the employee's personnel file.

POLITICAL ACTIVITY / HATCH ACT

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the City of Northfield's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

An employee shall not directly or indirectly use his or her authority or influence of their position to control or modify the political action of another person.

An employee during the hours of duty shall neither engage in political activity nor promote political activities so as to impair their usefulness in the position in which they are employed.

An employee who is contemplating running for political office should notify their immediate supervisor and should contact the Municipal Clerk's office who will contact the City Attorney to discuss the possible application of the Hatch Act to their candidacy.

The Hatch Act is enforced by the U.S. Office of Special Counsel. Any employee who wishes an advisory opinion the effect of the Hatch Act on their candidacy should contact the Office of Special Counsel.

PROTECTION AND SAFE TREATMENT OF MINORS

I. Purpose and Scope:

Under New Jersey law (N.J.S.A. 9:6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

- The failure to meet a child's basic needs, physically or emotionally, which is called *neglect*.
- The intentional use of physical force that results in injury, which is called *physical abuse*.
- The practice of any behaviors that harm a child's feelings of self-worth or emotional well-being, which is *emotional abuse*.
- Engaging in sexual acts with a child including pornography, which is *sexual abuse*.

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. Fifty thousand of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to *sexual abuse* are sobering and equally as disheartening:

- ✓ ***“Peer-to-Peer”*** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least four years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.
- ✓ In contrast, ***“adult-to-child”*** abuse is typically thought out and planned in advance, demanding access, privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** However, it is important, not to confuse

pedophilia with actual child molestation, as many pedophiles never act on their attractions.

- ✓ Child sexual abusers are not always easy to spot. Though seven out of every eight molesters are male, they match the general population in ethnicity, religion, education, and marital status. So, there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% abuse children that they don't know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for their dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely, or troubled children, especially those who live with step-parents or single parents, may be targeted. Children between the ages of 7 and 13 are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.
- ✓ Molesters have behavioral patterns that can be identified as **“grooming”** their victims. Sexual abuse is rarely violent. The molester's goal is to solicit compliance by beginning to win the victim's trust. There might be pet names, gifts to foster exclusivity and encouragement to “keep secrets.” The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent anymore, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.
- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

In the State of New Jersey every level of government has a role in protecting minors.

- At the State level:

- State law is enforced through the N.J. Family Division of the State court system. The court has broad powers, including the ability to remove children from dangerous situations
- The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
- The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
- At the local level:
 - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
 - Housing Authority employees may also frequently come into contact with children.
 - Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
 - Recreation programs
 - Before and After Care programs
 - Youth sports leagues
 - Youth centers
 - Youth in Government programs
 - Junior law enforcement training programs
 - The role of **law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds “probable cause” that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The City of Northfield is committed to the safety of all individuals in its community however, the City of Northfield has a particular concern for those who are potentially vulnerable, including minor children. The City of Northfield regards the

abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but is typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

The City of Northfield is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the City of Northfield to the maximum extent possible. These Policy Procedures establish the guidelines for officials, employees, and volunteers who set policy for the City of Northfield or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the City of Northfield or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

II. Definitions:

- **Authorized Adult**- Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.
- **Child or Minor - A person under the age of eighteen (18).**
- **Department Heads**- Appointed department heads of the City of Northfield, including the chief administrative officer, and any assistants.
- **Direct Contact** - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.
- **Dual Reporting** – Reporting possible abuse to both the N.J. Department of Children and Families and law enforcement at the same time by the individual designated by the City of Northfield to report all possible cases of abuse.
- **Employees, Staff, or Counselors** – persons working for the City of Northfield on a full-time or part-time basis, and compensated by the City of Northfield.
- **Facilities** - Facilities owned by, under the control of, or rented or leased to the City of Northfield.
- **Grooming** - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.
- **N.J.M.E.L. J.I.F.** - New Jersey Municipal Excess Liability Fund Joint Insurance fund.
- **Officials** – Elected officials of the City of Northfield, and appointed Board members.

- **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.
- **Programs** - Programs and activities offered or sponsored by the City of Northfield.
- **Volunteers** - Individuals volunteering their time to provide services to the City of Northfield who are not on the payroll and receive no compensation.

III. **Policy:**

The City of Northfield is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the City of Northfield is firmly committed to protecting children under the care and supervision of the City of Northfield from all forms of physical, mental, sexual and emotional abuse. The City of Northfield is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the City of Northfield. The procedures outlined below shall apply to all officials, employees, and volunteers who are either expected to or may reasonably be foreseen to have direct contact with minors in the exercise of their role on behalf of the City of Northfield.

IV. **Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:**

- All prospective employees and volunteers shall undergo a thorough and complete background check, including the following:
 - For *non-supervisory employees*
 - National Database Criminal History Search
 - National Sex Offender Search
 - Social Security Trace/Validation
 - Employment Verification
 - Motor Vehicle Record – if the employees will be driving any municipally-owned vehicles or equipment.
 - Reference Check
 - For *summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches, and instructors:*
 - National Database Criminal History Search
 - National Sex Offender Search
 - Social Security Trace/Validation
 - For *employees in supervisory positions involving minors:*
 - National Database Criminal History Search
 - National Sex Offender Search
 - Social Security Trace/Validation
 - Education Verification

- e. Employment Verification
- f. Credit Check
- g. Motor Vehicle Record
- h. Reference Check

Many local governments hire minor children to work in their summer or seasonal programs. It may be difficult to obtain any background information for minors. It is recommended that the local government attempt to verify any past employment for minors between 16 and 18 years of age, with the consent of the parents or guardians.

Written documentation of the background check shall be maintained by the City in perpetuity.

- ii. Background checks that disclose any negative or questionable results must be reviewed and approved by the City **prior to** the individual being hired and/or working with minors. **Provisional hiring should not be permitted.**
- iii. All prospective employees and volunteers must complete the training adopted by the City **PRIOR TO** starting employment or volunteer service. **In addition to completing the training course adopted by the City,** it is highly recommended that all volunteer coaches complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth*™), which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.) The current Rutgers Safety Clinic Course includes a module on the sexual abuse of minors. If coaches completed the Rutgers course more than five years ago and it did not have any training on the sexual abuse of minors, it is highly recommended that the coaches be required to watch the video on the MEL website. Documentation verifying that the coaches watched and understood their responsibilities must be kept to confirm that the training was completed.
- iv. The City shall periodically re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.

Once employed, authorized Adults who are employed are required to notify the appropriate Human Resources representative of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction in order to ascertain the fitness of those employees and volunteers to interact with children.

V. Procedures and Responsibilities of Officials:

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor

has been entrusted to the care of the City of Northfield. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the City of Northfield.

➤ Officials of the City of Northfield are required to:

- i. Complete the initial training course adopted by the City of Northfield, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The training program will include the following concepts:
 - Recognizing the signs of abuse and neglect of minors.
 - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
 - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
 - Becoming familiar with the legal requirements to report suspected cases of abuse.
 - Fully understanding the legal consequences for not being diligent in making certain that employees of the City of Northfield adhere to all policies and procedures as adopted.
- ii. Meet ***annually*** with all Department Heads to review the “Policy Addressing Sexual Abuse of Minors”, and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the City of Northfield to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*
- iii. Conduct ***random and unannounced*** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the City of Northfield.

VI. Program Procedures:

All City of Northfield programs operated by, sponsored by, or affiliated with the City of Northfield shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees

who supervise employees who interact with or could potentially interact with minors, shall adhere to the following policy.

The following policies shall apply to **all programs** offered by, sponsored by or affiliated with the City of Northfield. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the City of Northfield shall:

- a. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, the City of Northfield shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- b. Make certain that all program participants provide a *Medical Treatment Authorization form* to the City of Northfield.
- c. Implement and adopt a *“Code of Conduct”* for volunteer and paid staff members which, *at a minimum*, will include the following:

Code of Conduct

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.

- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.
- Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

In addition to the Code of Conduct, the following shall be a part of the specific program provisions:

- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
- The City of Northfield shall set forth rules and procedures governing when and under what circumstances participants may leave the City of Northfield property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyberbullying are prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.
- Misuse or damage of City of Northfield property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the City of Northfield to be shared on any social media platform without the expressed written consent of a parent or legal guardian.

- If possible The City of Northfield shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
- Take appropriate steps to ensure that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian This shall include annual written authorization on file in advance.
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with the rules.
- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
 1. One staff member for every six participants ages 4 and 5
 2. One staff member for every eight participants ages 6 to 8
 3. One staff member for every ten participants ages 9 to 14
 4. One staff member for every twelve participants ages 15 to 17
- The responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all of the rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

Specific Policy and Procedures for Use of Restrooms by Children/Minors:

- All restrooms shall be checked in advance by staff persons before minor children enter to ensure that no other individuals are present.
- Staff members (of the same sex) are to stand guard at the doorway to make sure that no one else enters the restroom while a child is there. Children should not be permitted to enter restrooms in pairs or in groups, unless it is absolutely necessary.
- For field trips, staff members must monitor bathroom use by minor children and shall not permit a child to enter a restroom alone.

VII. Procedures for Law Enforcement Officers:

Law enforcement officers of the City of Northfield frequently interact with minors in a variety of ways. In addition to the guidance provided by the Attorney General's office, it is important to establish guidelines to assist law enforcement officers in being aware of

how to act and react in these circumstances. To that end, the Chief of Police or his or her designee of the City of Northfield shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

- a. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
- b. Directives issued by the N.J. State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. The following provisions from the ***“Code of Conduct”*** for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
 - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - iii. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
 - iv. Officers shall make certain that they are neat, clean, and appropriately attired.
 - v. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
 - vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

VIII. Training Requirements:

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of the City of Northfield are required to complete

training (and refresher course training) adopted by the City of Northfield. ALL employees of the City of Northfield shall complete the training course whether they interact with children/minors or not. Although training records will be maintained, it is recommended that each City of Northfield and individual trainees also keep copies of their own training records.

a. **Elected Officials, Appointed Officials, Department Heads, and Supervisors:**

All elected officials, appointed officials, department heads, and supervisors shall Complete the initial virtual training course offered by the NJMEL, **“PROTECTING CHILDREN FROM ABUSE”** and adopted by the City of Northfield, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The course includes the following concepts.

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the City of Northfield adhere to all policies and procedures as adopted.

b. **Volunteers and Employees of the CITY OF NORTHFIELD**

All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NMEL in the form of the **“PROTECTING CHILDREN”** video on protecting children on the MEL website and found at www.njmel.org

i. Course content shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e., Peer to Peer, Adult to Child, etc....)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

c. **Law Enforcement Officers**

i. Course content shall include:

1. Current Status of N.J. Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

IX. Reporting Suspected Child Abuse/Neglect:

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

The following procedures shall be utilized in reporting suspected cases of abuse. The City of Northfield shall also train officials, department heads, employees and volunteers in the concept of “**dual reporting**” which involves reporting the suspected abuse to local law enforcement in addition to reporting the abuse to the Department of Children and Families. Reporting suspected abuse to local law enforcement is critically important in cases where there is the potential for violence.

Child Abuse is a hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support**. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don’t display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. **Do not “investigate” an abuse situation. Do not interrogate the child.** The investigation will be undertaken by those who are trained to undertake that critical task. Instead report it immediately, as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible, and report the abuse to local law enforcement.

As noted above, it is highly recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the N.J. Department of Children and Families and law enforcement at the same time, which is known as “dual reporting.”

For ALL elected officials, appointed officials, supervisors, department heads, full or part-time employees or volunteers of programs conducted by the CITY OF NORTHFIELD

1. Report the suspected abuse to the New Jersey Department of Children and Families. Please be prepared to include the following information to the extent the information has been told to you.
 - a. **Who:** The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
 - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
 - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
 - d. **Where:** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
 - e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
- Call the Hotline established by the N.J. Department of Children and Families @ 1-877-652-2873. It is not the supervisor’s role to decide whether a case should be reported. All cases shall be reported.

➤ For ***Law Enforcement Officers:***

- Immediately report any suspected or alleged cases of abuse or neglect to the New Jersey Department of Children and Families and to the County Prosecutor.

X. Important Information Regarding Reporting Suspected Abuse Under NJ Law:

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The City of Northfield encourages all officials, employees, and volunteers in programs operated by the City of Northfield or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.

- ii. *However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions is a disorderly person.*
- iii. *When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*

XI. Acknowledgement of Receipt and Review of Policy:

All officials, employees/counselors, and volunteers shall sign and date an acknowledgement form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the City of Northfield. The same process shall be used for any revised policy issued in the future.

CONFIDENTIALITY OF PERSONNEL RECORDS

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

Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their departments.

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

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

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

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

Employees whose duties require access to personnel documents or information must maintain their confidentiality. Violators of this confidentiality will be subject to disciplinary action up to and including termination.

RECYCLING:

The City of Northfield supports conservation of scarce resources by encouraging recycling and waste reduction in its business practices and operating procedures. This commitment and support includes the purchase, use and disposal of products and materials in a manner that will appropriately utilize natural resources and minimize any adverse impact on natural environment.

Recycling containers have been set up to promote the disposal, source separation and collection of the following recyclable materials: paper, plastic, cardboard, metal and glass.

Employees are authorized and directed to discontinue the use of unnecessary products and materials which are harmful to the environment, and to reduce the use of disposable products such as paper and tape. Conservation can be promoted through the use of:

- Communication through computers
- Two-sided photocopying if possible

- Minimum packing
- Eliminating fax cover sheets
- Reusing paper clips, folders, and binders
- Reusing packaging material
- Turning off lights when not in use
- Use of recycled disposable products

Whenever cost-effective, employees of the City are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Questions or suggestions regarding recycling should be directed to your supervisor or the City's designated Recycling Coordinator.

REQUESTS FOR LEGAL WORK:

It is the policy of the City that all requests for legal assistance which require a written response (opinions, assistance, contracts, resolutions, ordinances, etc.) shall be processed through the Municipal Clerk's office.

EXCEPTIONS:

1. These Policies and procedures shall not apply to requests made by the motion of the Governing Body.
2. These policies and procedures shall not apply to routine matters that can be addressed over the phone or in person without a formal written response.

PROCEDURES FOR WRITTEN REQUESTS:

1. All requests shall be documented in writing.
2. All requests should include:
 - a. Name of attorney to whom request is made or "City Attorney".
 - b. City employee requesting action.
 - c. Subject of request.
 - d. Response time or date needed.
 - e. Description of action requested.
 - f. Copies of any attachments, e.g., draft contract, resolution, ordinance, etc.
3. The requests must be approved by the Mayor and initialed or verbally approved before legal work is undertaken.

4. The city attorney will return all written responses to the Municipal Clerk. Where appropriate, as soon as the response is noted, it will be disseminated to the staff person initiating the request.
5. The Municipal Clerk will review the status of pending items with the City Attorney on a periodic basis as needed.
6. A copy of all the City Attorney opinions shall be maintained by the Municipal Clerk.
7. Claims for legal services which are rendered without the approvals required herein may be denied.

RIGHT TO KNOW (HAZARDOUS SUBSTANCES):

For compliance with the provisions of the Worker and Community Right Know Act N.J.S.A. 34:5A-1 et seq.; NJAC 8:59., on an annual basis the Right to Know Officer will conduct a survey to determine any hazardous substance found at any City facility. This survey shall be transmitted to the New Jersey Department of Health, the Atlantic County Public Health Division and the City of Northfield Fire and Police Departments.

The Right to Know Officer is responsible for seeing that at each City Facility, all containers of hazardous substances shall be labeled completely and accurately, according to provisions of the Act.

Upon completion of workplace surveys, the Right to Know Officer shall designate a person at each facility (Department Heads) who will establish and maintain a central file which will include completed work place surveys, appropriate hazardous substance fact sheets and material safety sheets.

The required “Notice of Availability of Information” shall be posted in the locations readily accessible to all employees.

Material safety data sheets and Right to Know information are centrally located in the City Hall Fire Station storage room.

SAFETY POLICY

The City of Northfield endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”). The City of Northfield is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the City of Northfield's facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Chief Administrative Officer. Failure to do so constitutes grounds for disciplinary action.

Department heads are responsible for coaching employees on safe work procedures and enforcing all safety rules and regulations. In the event an employee is not in compliance with a safety requirement, a written safety violation notice will be issued. Three (3) violation warnings issued to an employee during a ninety (90) day period WILL result in disciplinary action, up to and including termination.

The City of Northfield has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative, or their supervisor.

SECURITY POLICY

The City of Northfield makes every effort to provide for employees' safety and security while at work. The City of Northfield, however, does not accept responsibility for the protection of employees' personal property. The City of Northfield is not liable for loss or damage to personal property.

The City of Northfield maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the City of Northfield prohibits the possession, transfer, sale, or use of such materials on its premises. The City of Northfield requires the cooperation of all employees in administering this policy. Desks, lockers, other storage devices, and City of Northfield vehicles may be provided for the convenience of employees, but remain the sole property of the City of Northfield. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the City of Northfield at any time, either with or without prior notice. The City of Northfield may conduct video surveillance of City of Northfield property to, among other things, identify safety concerns, detect theft, and discourage or prevent acts of harassment and workplace violence. Additionally, the City of Northfield may monitor employee e-mails.

Security is everyone's responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee's responsibility to notify his or her supervisor or Department Head immediately. In the event a serious incident occurs, employees must report it to their Department Head promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a third party while on the premises.
2. Any incident in which physical force is either used by or against an employee.
3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.
4. Any incident in which a serious unfavorable reaction from the public might be expected.
5. The loss of City of Northfield keys.
6. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees are encouraged to make any reports, in writing, so that they may be properly addressed by the City of Northfield.

SMOKING POLICY:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the City of Northfield has adopted a smoke-free policy for all buildings. City of Northfield facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in City of Northfield buildings or near the entrances and exits, or windows. Employees are permitted to smoke only outside City of Northfield buildings and such locations as not to allow the re-entry of smoke into building entrances, or windows. Employees provided with meal or other break times in accordance with City Policy or pursuant to the terms of any collective bargaining agreement may only smoke during such designated break times. Smoking inside vehicles owned by the City of Northfield or near equipment that may be sensitive to smoke is also prohibited. . Employees are responsible for properly discarding cigarette butts or other smoking-related products, and shall not be provided with additional non-working time to do so. This

policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Employees Covered under a Collective Bargaining Agreement –Wherever details in this policy differ from the terms expressed in a collective bargaining agreement with the City of Northfield, the specific terms of the collective bargaining agreement will control.

SOLICITATION

With the exception of City approved activities, peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed. Exceptions may be granted by the Governing Body.

Working hours include the working times of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed.

Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-working areas.

STATE RESIDENCY REQUIREMENT

Every employee shall have his/her principal place of residence in the State of New Jersey. New hires shall have one year from the time of taking office, employment or position to satisfy the requirement of principal residency. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the City of Northfield.

If, however, an employee holds an office, employment, or position with the City of Northfield as of Sept. 1, of 2011 (the effective date of P.L.2011, c.70), but does not have his or her principal residence in this State on that effective date, he/shall will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

TELEPHONE AND PERSONAL COMMUNICATION USAGE POLICY

Land-line Telephones. City of Northfield telephones are for official business use only during working time. Working time shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the City of Northfield, and excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.

City of Northfield-Issued Mobile Phones/Devices. City of Northfield-issued mobile devices may be issued to certain employees in the course of their employment with the City of Northfield. Such City of Northfield-issued devices are the sole and exclusive property of the City of Northfield and are only to be utilized by employees in the course and scope of their employment during working time (any time in which the employee is engaged in or required to be performing work tasks for the City of Northfield not to include times when employees are properly not engaged in performing work tasks, including break periods and meal times.) Accordingly, the City of Northfield reserves the right to monitor the use of the City of Northfield-issued cell-phones without notice, at any time, and any such data collected from the mobile device equipment is the sole and exclusive property of the City of Northfield to be used for any purpose.

Similarly, the City of Northfield reserves the right to review the manner and use of these mobile devices and physically inspect the equipment at any time with or without notice. Accordingly, the employee shall have no reasonable expectation of privacy in any transmissions made or received using a City of Northfield-issued mobile device.

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

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

Employees are prohibited from using their personal communication device to copy and/or upload any, confidential information (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure).

Violation of this policy may subject an employee to disciplinary action up to and including termination.

TIMESHEETS:

All employees are required to accurately record their work time on the designated time record, sign it and return to his/her supervisor. All employees are required to report their sick time, vacation time, holiday time, personal time, and if applicable, compensatory time on the designated time record.

The supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative.

Falsification of time records for Payroll purposes will result in immediate termination.

TRAINING PROGRAMS, SEMINARS AND CONVENTIONS:

It is the policy of the City of Northfield to encourage and coordinate training opportunities for the employees and supervisors in order that services rendered to the City will be more efficient and effective. Training is defined as any work-related program, seminar, conference, convention, course or workshop attended by an employee whose tuition and expenses may be funded in whole or part by the City or while the employee is in a regular full-time paid status with the City.

Subject to sufficient funds in the budget and upon approval of the Department Head, employees may apply for reimbursement of tuition expenses incurred for training or certification courses directly related to the employee's work. The Mayor or designee will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

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

TRANSITIONAL DUTY POLICY

The City of Northfield will endeavor to bring full time employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and there is no duty or obligation of the part of the City to create work for the employee; transitional duty assignments will not exceed 6 months in duration.

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

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment in which they may be expected to perform functions for which they have been determined unable to perform on behalf of the City. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Mayor or designee informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, the City, in its discretion, may grant an extension of transitional duty with or without further evaluation for up to an additional 6 months. In this event, transitional duties shall not exceed one (1) year in duration. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, or other Federal or State law.

TRAVEL EXPENSES WHILE ON CITY BUSINESS:

The City of Northfield may reimburse employees for reasonable and necessary expenditures made by employees while on official City business only. If a City employee should receive an assignment by the City of Northfield, out of the county, state or country, the employee shall be reimbursed for all reasonable documented expenses connected with the assignment. Out-of-State travel requires prior approval of the Department Head and Mayor or designee. Examples of such reasonable expenses may include:

- 1) Hotel or Motel expenses will be reimbursed on completion of authorized overnight travel. A reasonable class of accommodation shall be selected where a choice of lodging is available. The single rate should be clearly indicated on all receipts.
- 2) Overnight Meal Reimbursement: Meal reimbursements for all overnight trips are to be itemized on a voucher. The daily meal reimbursement is not to exceed \$50.00 per day. Travel days will be compensated up to \$25.00. Reimbursement will not be forthcoming without receipts to substantiate the reimbursement.
- 3) Local Meal Reimbursement: Reimbursement for local meals will be allowed ONLY where employees are attending a seminar or conference as a representative of the City for a specific purpose, or where the employees' attendance will directly benefit the City of Northfield and prior approval has been obtained. No reimbursements will be allowed for meetings that are of a social nature. This requires pre-approval of the Mayor or designee.
- 4) The City of Northfield will provide vehicles for City business if available. In the event a City vehicle is not available, employees are permitted to use their personal vehicle. Mileage will be reimbursed at the current IRS rate per mile. Mileage will be reimbursed on the basis of the actual distance traveled due to the assignment or the distance from the employee's normal work location to the outside location, whichever is less. Parking and toll charges, supported with receipts, will be reimbursed at the actual cost. When two or more employees are attending the same seminar, convention or meeting, carpooling shall be practiced whenever possible. No mileage will be paid for commuting from an employee's personal residence to their normal work location.

All other reasonable expenses will be reimbursed on an actual cost basis. All expenses must be itemized and claims for reimbursement must be accompanied by invoices and/or receipts showing proof of payment of such claims. Employee reimbursement will be handled by the Finance Department after a voucher is approved by the Mayor or designee.

Non-Allowable Expenses include (but not limited to):

1. Laundry, cleaning or valet services (except for trips over one week duration).
2. Tobacco.
3. Alcoholic Beverages.
4. Entertainment.
5. Personal telephone calls.

6. First Class travel accommodations when business, economy or coach class is available.
7. Meals and lodging in lieu of other meals and/or lodging the expense of which is included in the Registration fee.
8. Fines, forfeitures of penalties.
9. Rental vehicles except as pre-approved.
10. Expenses of a spouse or other non-employee.
11. Loss or damage to personal property.
12. Barber, beauty parlor, shoe shine or toiletries.
13. Personal postage.

VEHICLE USE POLICY / NON-LAW ENFORCEMENT

The City of Northfield owns and maintains a fleet of vehicles ("City of Northfield Vehicles") that are used in furtherance of the business of the City of Northfield. The following policy governs the use of all City of Northfield Vehicles (with the exception of vehicles utilized for law enforcement purposes), and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to

Driving Privileges and Licensure. The use of a City of Northfield Vehicle by an employee is subject to the approval and discretion of the Chief Administrative Officer. Any employee operating a City of Northfield Vehicle must hold a valid New Jersey State Driver's License.

- A. Employees are required to file a copy of a valid driver's license with the City of Northfield prior to the use of a City of Northfield Vehicle.
 - 1) Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
 - 2) Employees shall inform the City of Northfield within twenty-four (24) hours of any changes in the status of their driving privileges.
 - 3) Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an\ City of Northfield vehicle and may also result in the denial of indemnification and/or defense by the City of Northfield to the employee in any civil or criminal matter brought in any Court arising from the use of a City of Northfield vehicle while said employee's driving privileges were suspended or revoked.
 - 4) All new employees who will be assigned work entailing the operating of a City of Northfield vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

- B. The City of Northfield reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.
 - 1) The City of Northfield reserves the right to suspend an employee's City of Northfield driving privileges if the City of Northfield deems necessary based on the employee's driving record.
 - 2) The City of Northfield shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.
- C. The City of Northfield occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.
- D. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the City of Northfield and await clearance to resume driving.

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

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

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

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

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

- A. In the event of an incident or accident involving the use of a City of Northfield Vehicle, employees must immediately contact their supervisor and/or Department Head. All

required reports and documentation must be submitted to the Chief Administrative Officer within two (2) business days of receipt.

If while driving a City owned vehicle, an employee is involved in an accident resulting in injury and/or property damage, they shall:

1. Request that all parties and properties concerned remain at the scene of the accident until law enforcement representative has released them.
 2. All collisions involving City vehicles or persons on duty and actively engaged on City business will be investigated by a police agency.
 3. Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating authority.
 4. A copy of all police reports and any statements attached thereto will be forwarded to the Municipal Clerk's Office within one day. The Clerk will report such accidents to the insurance carrier and Safety committee.
 5. An employee involved in an accident in a City owned vehicle who is found to be at fault may be subject to disciplinary action.
- B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the City of Northfield.

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

- A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
- B. Vehicles are to be kept litter free at all times.
- C. No smoking is allowed in City of Northfield Vehicles at any time.
- D. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving City of Northfield Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.
- E. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."
- F. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

- G. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.
- H. Employees driving City vehicles are required to report (to the Superintendent of Public Works) any obvious or suspected maintenance or mechanical issues, or any damage to any vehicle.

Violation of this policy may result in disciplinary action up to and including the suspension of the employee's privilege to operate a City of Northfield Vehicle and/or termination.

VIDEO SURVEILLANCE:

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

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

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

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

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

VISITORS:

To provide for the safety and security of both visitors and employees and the facilities at the City, only authorized visitors are permitted inside the workplace. Restricting unauthorized visitors assists the City to maintain safety standards, protects against theft, assures security of equipment, helps secure confidential information, preserves employee welfare, and avoids potential disruptions and intrusions.

Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on City premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby.

WORK FORCE REDUCTION POLICY:

The City may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees will be determined by the Mayor or designee.)

In layoff, recall and filling regular job vacancies, the City shall give equal consideration to an employee's ability and performance of the duties required in the job and consideration to an employee's length of continuous service with the City in the classification. In applying this provision, where qualifications, experience and performance are equal, seniority shall govern. Every effort will be made for transfers to other departments when a position is open for which the employee qualifies.

The City shall provide an employee with at least two (2) weeks advance notice prior to layoff, except in case of emergency. An employee on layoff must keep the City informed of the address and telephone number where they can be contacted.

If the City is unable to contact the employee within seven (7) calendar days, the City's obligation to recall the employee shall cease. The City shall have no obligation to recall an employee after he has been on continuous layoff for a period one year. Should an employee not return to work when recalled, the City shall have no further obligation to recall him.

APPENDIX A – CDL DRUG AND ALCOHOL TESTING POLICY

APPENDIX A

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SECTION A - GENERAL

This policy and 49 CFR Part 40 Regulations of the U. S. Department of Transportation Procedures For Transportation Workplace Drug And Alcohol Testing Programs and Urine Specimen Collection Guidelines, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation, are integral parts of this Policy and apply to all covered employees. They may be viewed at <http://www.dot.gov/odapc> Collection procedures, laboratory procedures, MRO review, alcohol testing, record keeping and all other procedural requirements shall adhere to 49 CFR Part 40.

The City of Northfield shall test, in accordance with Federal regulations, employees required to have a Commercial Driver's License (CDL) for the use of controlled substances that violate law or Federal regulation and the misuse of alcohol.

PURPOSE 382.101

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

APPLICABILITY 382.103

(a) This policy applies to every person of City of Northfield who operates a commercial motor vehicle in commerce in any State, and is subject to:

- (1) The commercial driver's license requirements of part 383; or
- (2) All Drivers Operating Commercial Motor Vehicles for City of Northfield

The COVERED EMPLOYEE CERTIFICATE OF RECEIPT contains the name, address, and phone number of the responsible individual(s). The CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY complies with requirements of the Department of Transportation regulations as set forth in 49 CFR § 382 and 49 CFR Part 40. The DER shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and conformance to human resources policies and procedures; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. The City of Northfield shall ensure that all covered employees are aware of the provisions and coverage of the City of Northfield's CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY and that all employees are notified prior to testing.

EMPLOYER SERVICE AGENT CONTACT INFORMATION

DESIGNATED CITY OF NORTHFIELD REPRESENTATIVE (DER)

NAME: Qwin Vitale

TITLE: Superintendent of Public Works

ADDRESS: 775 West Mill Road

PHONE: 609-641-2832 ext. 201

E-MAIL: qvitale@cityofnorthfield.org

HOURS WHEN AVAILABLE: M-F 7am-3pm

LABORATORY

Contact the Municipal Clerk's Office for Current Information (See CTPA, below)

SUBSTANCE ABUSE PROFESSIONAL(SAP), EMPLOYEE ASSISTANCE PROGRAM

Contact the Municipal Clerk's Office for Current Information

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

NAME: Pogue Inc.

ADDRESS: 164 Cumberland Avenue, Estell Manor NJ 08319

PHONE: 609-476-3526

EMPLOYER'S INDEPENDENT AUTHORITY

This CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY sets forth the requirements of 49 CFR Parts 382 and 40. Those areas of the policy that appear in italic print reflect the employer's independent authority to require additional provisions with regard to drug and alcohol testing procedures. To the extent the employer's state specific non-DOT Employer Authority Policy supplements, and does not conflict with applicable DOT Regulations, and current agreements, it is to be followed. In the event that DOT Regulations are applicable to the driver's or applicant's particular situation or issue, the DOT Regulations pre-empt conflicting State Laws, the Employer's non-DOT Policies and all other agreements.

PERIOD OF WORKDAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE

Safety-Sensitive Functions as covered under 49 CFR Part 382: In accordance with 49 CFR 382 drivers who possess CDL licenses are subject to DOT regulated alcohol and drug testing at all times from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at a City of Northfield facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City of Northfield;
- (2) All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver is required to be in compliance with this policy during that period of the workday when they are on-duty performing *safety-sensitive functions* (See *Definitions*).

DRIVER FITNESS FOR DUTY 391.11

DOT regulations provide that the *City of Northfield* as a DOT regulated employer makes the final determination of who is a qualified individual to drive a commercial motor vehicle. 49 CFR § 391.11(a). The *City of Northfield* shall not permit a person to drive a commercial motor vehicle

unless the person meets all DOT minimum qualifications and such other more stringent qualifications and requirements relating to safety of operation and employee safety and health as it may decide in its judgment and discretion. The ***City of Northfield*** shall use the services of independent Certified Medical Examiners, Occupational Medicine Physicians, Medical Review Officers, as well as other medical and industry professionals to make its final fitness for duty determinations.

TESTING PROCEDURES 382.105

The City of Northfield shall ensure that all alcohol or controlled substances testing conducted under this policy complies with the procedures set forth in 49 CFR part 40. The provisions of 49 CFR part 40 that address alcohol or controlled substances testing are made applicable to the City of Northfield by 382.105.

DEFINITIONS 382.107

Words or phrases used in this policy are defined in Sections 386.2, 390.5 and 40.3 of Federal regulations, except as provided herein.

Actual knowledge for the purpose of Section B of this policy means actual knowledge by the City of Northfield that a driver has used alcohol or controlled substances based on the ***City of Northfield***'s direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use, except as provided in 382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under 382.307.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl and isopropyl alcohol.

Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy.

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol. [*Caution: Certain brands and types of cough medicines contain alcohol.*]

CFR means Code of Federal Regulations.

Commerce means:

- (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States and
- (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in (1) of this definition.

It is the position of the Federal Motor Carrier Safety Administrator that the above section (2) language covers all municipal vehicles which fit within the "Commercial Motor Vehicle" definition below, even if that vehicle does not cross state lines.

Commercial driver's license Drug and Alcohol Clearinghouse (Clearinghouse) means the FMCSA database that subpart G of 49 CFR Part 382.701-727 requires City of Northfield's and service agents to report information to and to query regarding drivers who are subject to the DOT controlled substance and alcohol testing regulations. Effective January 6, 2020, the FMCSA will establish a mandatory database and the following personal information collected and maintained under this part shall be reported to the Clearinghouse:

- (1) A verified positive, adulterated, or substituted drug test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to any test required by subpart C of this part;
- (4) An employer's report of actual knowledge, as defined at § 382.107;
- (5) On duty alcohol use pursuant to § 382.205;
- (6) Pre-duty alcohol use pursuant to § 382.207;
- (7) Alcohol use following an accident pursuant to § 382.209; and
- (8) Controlled substance use pursuant to § 382.213;
- (9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
- (10) A negative return-to-duty test; and
- (11) An employer's report of completion of follow-up testing.

Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and

which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result.

Confirmed drug test means a confirmation test result received by an MRO from a laboratory.

Consortium/Third party administrator (C/TPA) means a service agent that provides or coordinates one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of such services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members (e.g., having a combined random testing pool). C/TPAs are not “employers” for purposes of Federal regulations.

Controlled substances mean those substances identified in 40.85. As of January 1, 2018, the drugs tested for may include all or some of the following: (1) Amphetamines; (2) Cannabinoids; (3) Cocaine; (4) Phencyclidine (PCP); and (5) Opioids.

Designated City of Northfield representative (DER) is an individual identified by the City of Northfield as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the City of Northfield. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- (2) Exclusions:
 - i. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - ii. Tire disablement without other damage even if no spare tire is available.
 - iii. Headlight or taillight damage.
 - iv. Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, 653, and 654) in accordance with 49 CFR part 40.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed Commercial Motor Vehicle drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means an entity, *including a municipal employer*, employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this Federal regulation. The term, as used in this policy, refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this policy and any applicable DOT agency regulations. Service agents are not employers for the purpose of Federal regulations.

Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Negative return-to-duty test means a return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02, as described in § 40.305.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive alcohol test means an alcohol test with an alcohol concentration of greater than or equal to 0.04.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part.

Refuse to submit (to an alcohol or controlled substances test) means that you as a driver:

- (a)(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City of Northfield, consistent with applicable DOT agency regulations, after being directed to do so by the City of Northfield. This includes the failure of an

employee (including an owner-operator) to appear for a test when called by C/TPA (see §40.61(a));

(2) Fail to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;

(3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));

(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));

(6) Fail or decline to take an additional drug test the City of Northfield or collector has directed you to take (see, for instance, Sec.40.197 (b));

(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or

(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).

(9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

(11) Admit to the collector or MRO that you adulterated or substituted the specimen.

(12) For a breath alcohol test, refusing to sign the certification at Step 2 of the ATF 40.261 (a) (3).

(b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

(c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. 40.191

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at a City of Northfield facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City of Northfield;
- (2) All time inspecting servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, using a vehicle for road clearing, snow removal, trash and recycling removal, remaining in readiness to operate the vehicle, and
- (5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test (or initial test) means:

- (1) In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.
- (2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Service agent means any person or entity, other than an employee of the City of Northfield, who provides services to Employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

PREEMPTION OF STATE AND LOCAL LAWS 382.109

- (a) Except as provided in paragraph (b) of this section, the Federal regulation requiring this alcohol and controlled substances testing preempts any State or local law, rule, regulation, order to the extent that:
 - (1) Compliance with both the State or local requirement and the Federal regulation is not possible; or
 - (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of this Federal regulation.
- (b) This policy, and the Federal regulation requiring it, shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, the City of Northfield, or the general public.

OTHER REQUIREMENTS IMPOSED BY the Employer 382.111

Except as expressly provided in this policy, nothing in the Federal regulation 382 and 49 CFR part 40 shall be construed to affect the authority of City of Northfield, or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation.

REQUIREMENT FOR NOTICE 382.113

Before performing an alcohol or controlled substances test under the Federal regulation, the City of Northfield shall notify a driver that the alcohol or controlled substances test is required by Federal regulation. The City of Northfield shall not falsely represent that a test is administered under Federal regulation.

STARTING DATE FOR TESTING PROGRAMS 382.115

- (a) All domestic-domiciled employers must implement the requirements of this policy the date the employer begins commercial motor vehicle operations.
- (b) All foreign-domiciled employers must implement the requirements of this policy on the date the employer begins commercial motor vehicle operations in the United States.

PUBLIC INTEREST EXCLUSION 382.117

The City of Northfield shall not use the services of a service agent who is subject to a public interest exclusion (PIE) in accordance with 49 CFR part 40, Subpart R. *This is a service agent who has been found by the DOT to be disqualified from providing services to DOT regulated employers.*

EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCE USE 382.121

(a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy and 49 CFR part 40, provided that:

(1) The admission is in accordance with the City of Northfield 's written voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;

(2) The driver does not self-identify in order to avoid testing under the requirements of this part;

(3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and

(4) The driver does not perform a safety sensitive function until the City of Northfield is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

(1) It prohibits the City of Northfield from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;

(2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;

(3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;

(4) It must ensure that:

(i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or

- (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty-controlled substance test with a verified negative test result for controlled substances use; and

(5) It may incorporate employee monitoring and include non-DOT follow-up testing.

DRIVER IDENTIFICATION 382.123

- (a) For each alcohol test performed, the City shall provide the driver's commercial driver's license number and State of issuance in Step 1, Section B of the Alcohol Testing Form (ATF).
- (b) For each controlled substance test performed under this part, the City shall provide the following information, which must be recorded as follows:
 - (i) The driver's commercial driver's license number and State of issuance in Step 1, section C of the Federal Drug Testing Custody and Control Form (CCF).
 - (ii) The City of Northfield's name and other identifying information required in Step 1, section A of the ATF.

SECTION B - PROHIBITIONS

ALCOHOL CONCENTRATION 382.201

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the City of Northfield has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, the driver will not be permitted to perform or continue to perform safety-sensitive functions.

ON-DUTY USE 382.205

No driver shall use alcohol while performing safety-sensitive functions. If the City of Northfield has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, that driver shall not be permitted to perform or continue to perform safety-sensitive functions.

PRE-DUTY USE 382.207

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If the City of Northfield has actual knowledge of a driver who has used alcohol within four (4) hours, that driver will not be permitted to perform or continue to perform safety-sensitive functions.

USE FOLLOWING AN ACCIDENT 382.209

No driver required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST 382.211

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382.311. The City of Northfield shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

DISCLOSURE OF OFF-DUTY DUI AND DRUG OFFENSE ARREST AN/OR CONVICTION 382.111

Safety Rule requiring mandatory reporting by Drivers of off – duty DUI and Drug Offense Arrest and/or Conviction. In accordance with the authority granted to the City by the DOT in 49 CFR 382.111 to impose other requirements to prevent alcohol misuse by Drivers, it is mandatory that Drivers disclose to their supervisor by the end of the business day arrest and/or convictions for all alcohol and/or drug related offenses committed while operating any motor vehicle. This will allow the City to immediately remove from safety sensitive functions, Drivers who have engaged in off – duty unsafe behavior related to alcohol or drug misuse (which is directly related to their safety sensitive functions performed for the City) to make determinations as follows: 1) if the Driver is fit for duty; 2) if the Driver is still qualified under DOT regulations to operate a CMV for the City ; 3) if the Driver is still insurable at standard rates under the City fleet policy; and 4) if the Driver can still meet the essential job functions for the position of Driver. It is an Essential Job Function of every DOT regulated Driver that they be qualified and licensed to operate a CMV without the use of a judicially ordered interlocking device, or similar device as part of a diversion or conviction for an alcohol related offence.

PRE-DUTY DISCLOSURE OF ANY IMPAIRING EFFECT MEDICATION OR SUBSTANCES 382.213

(a) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

(b) The City of Northfield, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform a safety-sensitive function.

(c) The City of Northfield may require a driver to inform the City of any therapeutic drug use.

All drivers of City of Northfield are required, as a safety rule and under DOT regulations, to pre-duty disclosure that they are taking ANY impairing affect therapeutic drug, prescription medication (including medical marijuana), over-the-counter medication, mind altering synthetic or designer drugs or substances which may have an effect on their ability to safely operate a commercial motor vehicle or the performance of safety-sensitive duties. It is an essential function of every driver's position at City of Northfield to be able to work in a constant state of alertness and in a safe manner. If the fact that the driver is taking an impairing effect drug, medication or substance is not disclosed pre-duty by a driver, and the driver tests positive or is determined by the MRO to be a potential safety risk due to a drug, medication or substance, that driver will be subject to discipline, up to and including termination for violation of this safety rule. If disclosure is made, City of Northfield, in accordance with its authority under 49 CFR Part 391.11(a), reserves the right to send the driver for a Fitness-for-Duty evaluation to evaluate the medication and its possible adverse effects on the driver's ability to safely operate a commercial motor vehicle or the performance of other safety-sensitive duties. In determining whether the employee has a legally valid prescription so as to constitute a legitimate medical explanation, consistent with the Controlled Substances Act (CSA), the MRO will use the CSA standard when conducting his medical review (49 CFR Part 40.137).

In advance of the operation of a commercial motor vehicle, or the performance of other safety-sensitive duties, or testing, drivers are strongly encouraged (and mandated by DOT Regulations) to have their own doctor make an individualized assessment of any safety related risks of the drug, medication or substance which they are taking, providing the doctor a copy of their job description or specific duties, and having the doctor render an opinion on the safety related risks. The driver need not disclose to their supervisor the drug, medication or substance, or the medical condition involved, to fulfill this pre-duty disclosure obligation of this safety policy, but may do so confidentially to the DER. All information provided will be kept separate from personnel files and in a confidential manner by the DER. The MRO will make the final determination on the driver's ability to safely operate a commercial motor vehicle or the safety related risks of any particular drug, medication or substance, although City of Northfield shall make the final determination on whether the driver is qualified to drive/operate a commercial motor vehicle.

CONTROLLED SUBSTANCES TESTING 382.215

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The City

of Northfield, having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions. In accordance with 49 CFR Part 40.171, when the MRO has notified the driver that he or she has a verified positive drug test and/or refusal to test because of adulteration or substitution, the driver has 72 hours from the time of notification to request a test of the split specimen.

EMPLOYER RESPONSIBILITIES 382.217

No employer may allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which an employer determines that a driver is not in compliance with the return-to-duty requirements in 49 CFR part 40, subpart O, after the occurrence of any of the following events:

- (a) The driver receives a positive, adulterated, or substituted drug test result conducted under part 40;
- (b) The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration conducted under part 40;
- (c) The driver refused to submit to a test for drugs or alcohol required under § 382; or
- (d) The driver used alcohol prior to a post-accident alcohol test in violation of § 382.209.

CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B Any driver who engages in conduct prohibited by Section B of this policy will be subject to disciplinary action up to and including termination.

SECTION C - TESTS REQUIRED

TESTS REQUIRED

Required testing includes pre-employment (controlled substances required, alcohol at the option of the City of Northfield), post-accident, random, and reasonable suspicion. Return-to-duty and follow-up-testing is also required if the City of Northfield allows a "positive" test employee to return to a safety-sensitive function after the required evaluation by a Substance Abuse Professional and the required rehabilitation.

EMPLOYER RESERVES RIGHT TO CONDUCT NON-DOT DRUG AND ALCOHOL TESTING

In addition to drug and alcohol testing conducted by the City of Northfield pursuant to 49 CFR Part 40 and 49 CFR Part 382, The City of Northfield reserves the independent authority to

screen and/or test employees under City of Northfield's Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective bargaining agreements. The term "illegal use of drugs" includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227]. This may also include a "zero tolerance" policy for the use of drugs or alcohol.

PRE-EMPLOYMENT 382.301

(a) Prior to the first time a driver performs safety-sensitive functions for the City of Northfield, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the City of Northfield uses the exception in paragraph (b) of this section. The City of Northfield shall not allow a driver, who the City of Northfield intends to hire or use, to perform safety-sensitive functions unless the City of Northfield has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver. *The City of Northfield shall require a re-collection of a urine specimen on any pre-employment, return-to-duty and follow-up drug test if the result is negative-dilute. The MRO has authority to direct the re-collection be observed. If the second test result is also negative-dilute, the City of Northfield shall accept the result as a negative test.*

(b) The City of Northfield is not required to administer a controlled substances test required by paragraph (a) of this section if:

(1) The driver has participated in a controlled substances testing program that meets the requirements of this policy within the previous 30 days; and

(2) While participating in that program, either--

(i) Was tested for controlled substances within the past 6 months (from the date of application with the City of Northfield), or

(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the City of Northfield); and

(3) The City of Northfield ensures that no prior employer of the driver of whom the City of Northfield has knowledge has records of a violation of this policy or the controlled substances use rule of another DOT agency within the previous six months.

(c) (1) If the City of Northfield exercises the exception in paragraph (b) of this section, the City of Northfield shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:

(i) Name(s) and address(es) of the program(s).

(ii) Verification that the driver participates or participated in the program(s).

(iii) Verification that the program(s) conforms to part 40 of Federal regulations.

(iv) Verification that the driver is qualified under the rules of this policy, including that the driver has not refused to be tested for controlled substances.

(v) The date the driver was last tested for controlled substances.

(vi) The results of any tests taken within the previous six months and any other violations of Section B of this policy.

(2) If the City of Northfield who uses, but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with 382.401. If the City of Northfield cannot verify that the driver is participating in a controlled substances testing program in accordance with this policy and part 40 of Federal regulations, the City of Northfield shall conduct a pre-employment controlled substances test.

(d) The City of Northfield may, but is not required to, conduct pre-employment alcohol testing under this policy. If the City of Northfield chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:

(1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).

(3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of Federal regulation.

(5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

POST-ACCIDENT 382.303

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the City of Northfield shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the City of Northfield shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

<u>Type of accident involved</u>	<u>Citation Issued to CMV Driver?</u>	<u>Test must be performed?</u>
Human fatality	YES	YES
Human fatality	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
Bodily injury with immediate medical treatment away from the scene	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
Disabling damage to any motor vehicle requiring tow away	NO	NO

(d) (1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, the City of Northfield shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the City of Northfield shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, the City of Northfield shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by City of Northfield to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) The City of Northfield shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the City of Northfield.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the City of Northfield.

(h) Exception. This section does not apply to:

(1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or

(2) An occurrence involving only the loading or unloading of cargo; or

(3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3) by the City of Northfield unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 177.823.

RANDOM 382.305

(a) The City of Northfield shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.

(b) (1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.

(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.

(c) (1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random

number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(3) Each driver selected for testing shall be tested during the selection period.

(d) (1) To calculate the total number of covered drivers eligible for random testing throughout the year, the City of Northfield, must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in the City of Northfield's random testing pool, and all covered drivers must be in the random pool. If the City of Northfield conducts random testing more often than once per month (e.g., daily, weekly, bi-weekly) the City of Northfield does not need to compute this total number of covered drivers rate more than on a once per month basis.

(2) The City of Northfield may use a service agent (e.g., a C/TPA) to perform random selections and covered drivers may be part of a larger random testing pool of covered employees. However, the City of Northfield must ensure that the service agent is testing at the appropriate percentage established for FMCSA and that only covered employees are in the random testing pool

(e) (1) The City of Northfield shall ensure that random alcohol and controlled substances tests conducted under this policy are unannounced.

(2) The City of Northfield shall ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

(f) City of Northfield shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the City of Northfield shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(g) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(h) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the City of

Northfield, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

(i) If the City of Northfield is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, the City of Northfield may--

(1) Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

(2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the City of Northfield is subject.

REASONABLE SUSPICION 382.307

(a) the City of Northfield shall require a driver to submit to an alcohol test when the City of Northfield has reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning alcohol. The City of Northfield's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) The City of Northfield shall require a driver to submit to a controlled substances test when there is reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning controlled substances. The City of Northfield's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or an official of the City of Northfield who is trained in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver. *If the employee insists on driving, the proper local enforcement authority should be notified that an employee, who we believe may be under the influence of a drug or alcohol, is leaving City premises driving a motor vehicle.*

(d) Alcohol testing is authorized by DOT/FMCSA regulations only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the Federal regulation. A driver may be directed by the City of Northfield to only undergo reasonable suspicion alcohol testing while the

driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e) (1) If an alcohol test required by DOT/FMCSA regulations is not administered within two (2) hours following the determination under paragraph (a) of this section, the City of Northfield shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by DOT/FMCSA regulations is not administered within eight (8) hours following the determination under paragraph (a) of this section, the City of Northfield shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(2) Notwithstanding the absence of a reasonable suspicion alcohol test under DOT/FMCSA regulations, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the City of Northfield permit the driver to perform or continue to perform safety-sensitive functions, until:

(i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(ii) Twenty-four (24) hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this policy concerning the use of alcohol.

(3) Except as provided in paragraph (e)(2) of this section, the City of Northfield shall take no action under this policy against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the City of Northfield with independent authority of DOT/FMCSA regulations from taking any action otherwise consistent with law.

(f) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or an official of the City of Northfield who made the observations, with 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

RETURN-TO-DUTY 382.309

The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

FOLLOW-UP 382.311

The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

SECTION D - HANDLING OF TEST RESULTS, RECORD RETENTION AND CONFIDENTIALITY

RETENTION OF RECORDS 382.401

(a) General requirement. The City of Northfield shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) Period of retention. The City of Northfield shall maintain the records in accordance with the following schedule:

(1) *Five years.* The following records shall be maintained for a minimum of five years:

- (i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
- (ii) Records of driver verified positive controlled substances test results,
- (iii) Documentation of refusals to take required alcohol and/or controlled substances tests,
- (iv) Driver evaluation and referrals,
- (v) Calibration documentation,
- (vi) Records related to the administration of the alcohol and controlled substances testing programs,
- (vii) Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations, and
- (viii) A copy of each annual calendar year summary required by 382.403.

(2) *Two years.* Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

(3) *One year.* Records of negative and canceled controlled substances test results (as defined in part 40 of Federal regulations) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

(4) *Indefinite period.* Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the City of Northfield while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

(c) Types of records. The following specific records shall be maintained. “Documents generated” are documents that may have to be prepared under a requirement of Federal regulations and this policy. If the record is required to be prepared, it must be maintained.

(1) Records related to the collection process:

- (i) Collection logbooks, if used,
- (ii) Documents relating to the random selection process,
- (iii) Calibration documentation for evidential breath testing devices,
- (iv) Documentation of breath alcohol technician training,
- (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests,
- (vi) Documents generated in connection with decisions on post-accident tests,
- (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing and
- (viii) A copy of each annual calendar year summary as required by 382.403.

(2) Records related to a driver’s test results:

- (i) The City of Northfield’s copy of the alcohol test form, including the results of the test,
- (ii) The City of Northfield’s copy of the controlled substances test chain of custody and control form,
- (iii) Documents sent by the MRO to the City of Northfield, including those required by part 40, Subpart G,

(iv) Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this policy and

(v) Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this policy.

(vi) Documents generated in connection with verifications of prior Employers' alcohol or controlled substances test results that the City of Northfield.

(A) Must obtain in connection with the exception contained in 382.301 of this policy, and

(B) Must obtain as required by 382.413.

(3) Records related to other violations of this policy.

(4) Records related to evaluations:

(i) Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance and

(ii) Records concerning a driver's compliance with recommendations of the substance abuse professional.

(5) Records related to education and training:

(i) Materials on alcohol misuse and controlled substances use awareness, including a copy of the City of Northfield's policy on alcohol misuse and controlled substances use,

(ii) Documentation of compliance with requirements of 382.601, including the driver's signed receipt of education materials,

(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;

(iv) Documentation of training for breath alcohol technicians as required by 40.213(a), and

(v) Certification that any training conducted under these Federal Regulations complies with requirements for such training.

(6) Administrative records related to alcohol and controlled substances testing:

- (i) Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, and consortia and/or with a C/TPA,
- (ii) Names and positions of officials and their role in the City of Northfield's alcohol and controlled substances testing program(s),
- (iii) Semi-annual laboratory statistical summaries of urinalysis required by 40.111 (a) of Federal regulations and
- (iv) The City of Northfield alcohol and controlled substances testing policy and procedures.

(d) Location of records. All records required by this policy shall be maintained as required by 390.31 and shall be made available for inspection at the City of Northfield's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM 382.403

(a) The City of Northfield shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City of Northfield or any of its drivers.

(b) If the City of Northfield is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the City of Northfield's annual calendar year summary information, the City of Northfield shall prepare and submit the report to the FMCSA by March 15 of that year. the City of Northfield shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The City of Northfield must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at Sec. 40.26 and appendix H to part 40). The City of Northfield may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see:

<http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>.

You must use the form at appendix H to this part. You may also view and download the updated (1.01.2018) instructions at the DOT's website: (<https://www.transportation.gov/odapc>). You must submit the MIS report in accordance with rule requirements (e.g., dates for submission, selection of companies required to submit, and method of reporting) established by the DOT agency regulating your operation.

(c) When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. City of Northfield shall ensure the accuracy and timeliness of each report submitted by the City of Northfield or a consortium.

(d) If the City of Northfield has a covered employee who performs multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the City of Northfield), then that employee shall be counted only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. the City of Northfield may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(e) A service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) may prepare the MIS report on behalf of the City of Northfield. However, the City of Northfield official (e.g., Designated City of Northfield representative) must certify the accuracy and completeness of the MIS report, no matter who prepares it.

ACCESS TO FACILITIES AND RECORDS 382.405

(a) Except as required by law or expressly authorized or required, the City of Northfield shall not release driver information that is contained in records required to be maintained under 382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. The City of Northfield will promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

(c) The City of Northfield shall permit access to all facilities utilized in complying with the requirements of this policy to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City of Northfield or any of its drivers.

(d) The City of Northfield and each service agent who maintains records for an City of Northfield, must make available copies of all results for DOT alcohol and/or controlled substances testing conducted by the City of Northfield and any other information pertaining to the City 's alcohol misuse and/or controlled substances use prevention program when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the City of Northfield or any of its drivers.

(e) When requested by the National Transportation Safety Board as a part of a crash investigation:

(i) The City of Northfield must disclose information related to the City of Northfield's administration of a post-accident alcohol and/or a controlled substances test administered following the crash under investigation; and

(ii) FMCSA will provide access to information in the Clearinghouse (once established) concerning drivers who are involved with the crash under investigation.

(f) When requested by the National Transportation Safety Board as part of an accident investigation, the City of Northfield shall disclose information related to the City of Northfield's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.

(g) Records shall be made available to a subsequent City of Northfield upon receipt of a written request from a driver. Disclosure by the subsequent City of Northfield is permitted only as expressly authorized by the terms of the driver's request.

(h) The City of Northfield may disclose information required to be maintained under this policy pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought).

(i) The City of Northfield shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR part 40.321(b).

MEDICAL REVIEW OFFICER NOTIFICATIONS TO EMPLOYER 382.407

The medical review officer shall report the results of controlled substances tests to the City of Northfield accordance with the requirements of 49 CFR part 40, Subpart G.

MEDICAL REVIEW OFFICER RECORD RETENTION FOR CONTROLLED SUBSTANCES 382.409

(a) A medical review officer or third-party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years for verified positive controlled substances test results.

(b) A medical review officer or third-party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of one (1) year for negative and canceled controlled substances test results.

(c) No person may obtain the individual controlled substances test results retained by a medical review officer (MRO as defined in § 40.3) or a consortium/third party administrator (C/TPA as defined in 382.107), and no MRO or C/TPA may release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph (c) shall prohibit an MRO or a C/TPA from releasing to the City of Northfield, the Clearinghouse (once established), or to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the controlled substances and alcohol testing program under this part, the information delineated in part 40, subpart G.

CITY OF NORTHFIELD NOTIFICATIONS 382.411

(a) The City of Northfield shall notify a driver of the results of a pre-employment controlled substances test conducted under this policy, if the driver applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City of Northfield shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. the City of Northfield shall also inform the driver which controlled substance or substances were verified as positive.

(b) The designated City of Northfield representative (DER) shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

(c) The designated City of Northfield representative (DER) shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 24 hours.

INQUIRIES FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION FROM PREVIOUS EMPLOYERS 382.413

(a) The City of Northfield must request alcohol and controlled substances information from previous Employers in accordance with the requirements of § 40.25, except that the City must request information from all DOT-regulated Employers that employed the driver within the previous 3 years and the scope of the information requested must date back 3 years.

(b) As of January 6, 2023, Employers must use the Drug and Alcohol Clearinghouse in accordance with § 382.701(a) to comply with the requirements of § 40.25 of this title with respect to FMCSA-regulated Employers. **Exception:** When an employee who is subject to follow-up testing has not successfully completed all follow-up tests, Employers must request the previous employer's follow-up testing plan directly from the previous City of Northfield in accordance with § 40.25(b)(5).

(c) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT Agency other than FMCSA, the City must request the alcohol and controlled substances information required under this section and § 40.25 directly from those Employers regulated by a DOT Agency other than FMCSA.

NOTIFICATION TO EMPLOYERS OF A CONTROLLED SUBSTANCES OR ALCOHOL TESTING PROGRAM VIOLATION 382.415

Each person holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements under § 382 who has violated the alcohol and controlled substances prohibitions under part 40 or under § 382 without complying with the requirements of part 40, subpart O, must notify in writing all current Employers of such violation(s). The driver is not required to provide notification to the City of Northfield that administered the test or documented the circumstances that gave rise to the violation. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first.

SECTION E - CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE-RELATED CONDUCT

REMOVAL FROM SAFETY-SENSITIVE FUNCTION 382.501

(a) Except as provided in Section F of this policy, no driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by Section B of this policy or an alcohol or controlled substances rule of another DOT agency.

(b) The City of Northfield shall not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the City of Northfield has determined that the driver has violated this policy.

(c) For the purposes of DOT/FMCSA regulations, commercial motor vehicle means a commercial motor vehicle in commerce as defined in 382.107 and a commercial motor vehicle in interstate commerce as defined in part 390.

REQUIRED EVALUATION AND TESTING 382.503

No driver who has engaged in conduct prohibited by Section B of this policy shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O. The City of Northfield shall not permit a driver who has engaged in conduct prohibited by Section B of this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O.

OTHER ALCOHOL-RELATED CONDUCT 382.505

(a) No driver tested under the provisions of Section C of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the City of Northfield, including driving a commercial motor vehicle, nor shall the City of Northfield permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, the City of Northfield shall not take any action under this policy against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the City of Northfield with authority independent of this policy from taking any action otherwise consistent with law.

The use or possession of alcoholic beverages while on the City of Northfield's property, or in any of the City of Northfield's vehicles, or on the City of Northfield's time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

Employees who are not at work, but who could be called out are expected to be fit for duty upon reporting for work. If an employee is under the influence of alcohol, the employee must notify City of Northfield personnel when contacted. Failure to advise the City of Northfield of alcohol consumption may result in disciplinary action. If a covered employee is perceived to be under the influence of alcohol when reporting to work after being called in, the employee's supervisor must be notified.

The supervisor must objectively observe the employee's behavior and if possible, substantiate the behavior with a second supervisor. Supervisors must have received training in alcohol and/or substance abuse detection. The supervisor must follow procedures outlined in the policy. If a determination to test for reasonable suspicion is made, the employee is immediately removed from safety-sensitive duties and the DER is contacted.

PENALTIES 382.507

The City of Northfield and/or driver who violates the FMCSA requirements of § 382 and/or 49 CFR part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. Section 521(b).

SECTION F – ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE INFORMATION, TRAINING, AND REFERRAL

EMPLOYER’S OBLIGATION TO PROMULGATE A POLICY ON THE MISUSE OF ALCOHOL AND USE OF CONTROLLED SUBSTANCES. 382.601

(a) *General requirements.* The City of Northfield shall provide educational materials that explain the requirements of this policy and the City of Northfield’s policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements.

(1) The City of Northfield shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

(2) The City of Northfield shall provide written notice to representatives of employee organizations of the availability of this information.

(b) *Required content.* The materials to be made available to drivers shall include detailed discussion of at least the following:

(1) The identity of the person designated by the City of Northfield to answer driver questions about the materials; (*COVERED EMPLOYEE CERTIFICATE OF RECEIPT*)

(2) The categories of drivers who are subject to the provisions of this policy; (*APPLICABILITY*)

(3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the policy; (*PERIOD OF THE WORK DAY A DRIVER IS REQUIRED TO BE IN COMPLIANCE*)

(4) Specific information concerning driver conduct that is prohibited by this policy; (*SECTION B - PROHIBITIONS*)

- (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d); (*SECTION C - TESTS REQUIRED*)
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d); (*49 CFR part 40*)
- (7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy; (*REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCES TEST*)
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences; (*DEFINITIONS*)
- (9) The consequences for drivers found to have violated Section B of this policy, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR part 40, Subpart O; (*CERTIFICATE OF RECEIPT, CONSEQUENCES OF PROHIBITED CONDUCT; and CONSEQUENCES OF CONDUCT PROHIBITED BY SECTION B, and SECTION E*)
- (10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; (*OTHER ALCOHOL-RELATED CONDUCT 382.505*)
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management;
- (c) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse (once established):
- (1) A verified positive, adulterated, or substituted drug test result;
 - (2) An alcohol confirmation test with a concentration of 0.04 or higher;
 - (3) A refusal to submit to any test required by subpart C;
 - (4) An employer's report of actual knowledge, as defined at § 382.107:

- (5) On-duty alcohol use pursuant to § 382.205;
- (6) Pre-duty alcohol use pursuant to § 382.207;
- (7) Alcohol use following an accident pursuant to § 382.209; and
- (8) Controlled substance use pursuant to § 382.213;
- (9) A substance abuse professional (SAP as defined in § 40.3 of this title) report of the successful completion of the return-to-duty process;
- (10) A negative return-to-duty test; and
- (11) An employer's report of completion of follow-up testing.

(d) *Optional provision.* The materials supplied to drivers may also include information on the City of Northfield's additional policies with respect to the use or possession of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the City of Northfield's authority independent of Federal regulation. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(e) *Certificate of receipt.* The City of Northfield shall ensure that each driver is required to sign a statement certifying that he/she has received a copy of these materials described in this section. the City of Northfield shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

TRAINING FOR SUPERVISORS 382.603

the City of Northfield shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

REFERRAL, EVALUATION, AND TREATMENT 382.605

The requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR part 40, Subpart O.

SECTION G – REQUIREMENTS AND PROCEDURES FOR IMPLEMENTATION OF THE COMMERCIAL DRIVER’S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

The purpose of the City of Northfield Policy as mandated by § 382.601: 1) is part of the City’s efforts to meet its *City of Northfield Obligation to Promulgate a Policy on the Misuse of Alcohol and Use of Controlled Substance*; 2) to publish educational materials to drivers about the Clearinghouse and other regulatory changes contained in the Final Rule issued December 5, 2016; and 3) to notify drivers that drug and alcohol test information will be reported to the Clearinghouse beginning January 6, 2020 so as to encourage drivers to seek substance abuse treatment if they currently have a problem with the misuse of alcohol and/or use of controlled substance(s).

DRUG AND ALCOHOL CLEARINGHOUSE 382.701

(a) Pre-employment query required.

(1) Employers must not employ a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an City of Northfield has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.

(2) The City of Northfield must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

(b) Annual query required.

(1) The City of Northfield must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 382, to determine whether information exists in the Clearinghouse about those employees.

(2) In lieu of a full query, as described in paragraph (a)(2) of 382.701, the City of Northfield may obtain the individual driver’s consent to conduct a limited query to satisfy the annual query requirement in paragraph (b)(1) of this section. The limited query will tell City of Northfield whether there is information about the individual driver in the Clearinghouse, but will not release that information to City of Northfield. The individual driver may give consent to conduct limited queries that is effective for more than one year.

(3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the City of Northfield must conduct a full query, in accordance with paragraph (a)(2) of 382.701, within 24 hours of conducting the limited query. If the City of Northfield fails to conduct a full query within 24 hours, the City of Northfield must not allow the driver to continue to perform any safety-sensitive function until the City of Northfield conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in paragraph (d) of 382.701.

(c) *City of Northfield notification.* If any information described in paragraph (a) of 382.701 is entered into the Clearinghouse about a driver during the 30-day period immediately following an employer conducting a query of that driver's records, FMCSA will notify the employer.

(d) *Prohibition.* No City of Northfield may allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that the City of Northfield has reported actual knowledge, as defined at

§ 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance in violation of § 382.213, except where a query of the Clearinghouse demonstrates:

(1) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, of this title; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.

(2) That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with § 40.307 and specified in the SAP report required by § 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, and achieves a negative return-to-duty test result, and the City of Northfield assumes the responsibility for managing the follow-up testing process associated with the testing violation.

(e) *Recordkeeping required.* Employers must retain for 3 years a record of each query and all information received in response to each query made under this section. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement.

DRIVER CONSENT TO PERMIT ACCESS TO INFORMATION IN THE CLEARINGHOUSE 382.703

(a) No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent. The City of Northfield conducting the search must retain the consent for 3 years from the date of the last query.

(b) Before the City of Northfield may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the City of Northfield access to the following specific records:

(1) A verified positive, adulterated, or substituted controlled substances test result;

(2) An alcohol confirmation test with a concentration of 0.04 or higher;

(3) A refusal to submit to a test in violation of § 382.211;

(4) An employer's report of actual knowledge, as defined at § 382.107, of:

(i) On duty alcohol use pursuant to § 382.205;

(ii) Pre-duty alcohol use pursuant to § 382.207;

(iii) Alcohol use following an accident pursuant to § 382.209; and

(iv) Controlled substance use pursuant to § 382.213;

(5) An SAP report of the successful completion of the return-to-duty process;

(6) A negative return-to-duty test; and

(7) An employer's report of completion of follow-up testing.

(c) No employer may permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by paragraphs (a) and (b) of 382.703.

(d) A driver granting consent under 382.703 must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with § 382.701(a)(2) or (b)(3).

(e) A driver granting consent under this section grants consent for the Agency to release information to an employer in accordance with § 382.701(c).

REPORTING TO THE CLEARINGHOUSE 382.705

(a) *MROs*.

(1) Within 2 business days of making a determination or verification, MROs must report the following information about a driver to the Clearinghouse:

- (i) Verified positive, adulterated, or substituted controlled substances test results;
- (ii) Refusal-to-test determination by the MRO in accordance with 49 CFR 40.191(a)(5), (7), and (11), (b), and (d)(2).

(2) MROs must provide the following information for each controlled substances test result specified in paragraph (a)(1) of this section:

- (i) Reason for the test;
- (ii) Federal Drug Testing Custody and Control Form specimen ID number;
- (iii) Driver's name, date of birth, and CDL number and State of issuance;
- (iv) City of Northfield's name, address, and USDOT number, if applicable;
- (v) Date of the test;
- (vi) Date of the verified result; and
- (vii) *Test result*. The test result must be one of the following:

(A) Positive (including the controlled substance(s) identified);

(B) Refusal to test: adulterated;

(C) Refusal to test: substituted; or

(D) Refusal to provide a sufficient specimen after the MRO makes a determination, in accordance with § 40.193 of this title, that the employee does not have a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. Under this subpart a refusal would also include a refusal to undergo a medical examination or evaluation to substantiate a qualifying medical condition.

(3) Within 1 business day of making any change to the results report in accordance with paragraph (a)(1) of this section, an MRO must report that changed result to the Clearinghouse.

(b) *Employer*

(1) Employer must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

(i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;

(ii) A negative return-to-duty test result;

(iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;

(iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the City of Northfield may report only those admissions made to the specimen collector; and

(v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title.

(2) The information required to be reported under paragraph (b)(1) of this section must include, as applicable:

(i) Reason for the test;

(ii) Driver's name, date of birth, and CDL number and State of issuance;

(iii) City of Northfield name, address, and USDOT number;

(iv) Date of the test;

(v) Date the result was reported; and

(vi) *Test result*. The test result must be one of the following:

(A) Negative (only required for return-to-duty tests administered in accordance with § 382.309);

(B) Positive; or

(C) Refusal to take a test.

(3) For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the City of Northfield must report the following information:

(i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;

(ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);

(iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to paragraph (b)(6) of this section when the reported refusal occurred (if applicable); and

(iv) Documentation, including a certificate of service or other evidence, showing that the City of Northfield provided the employee with all documentation reported under paragraph (b)(3) of this section.

(4) Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:

(i) On-duty alcohol use pursuant to § 382.205;

(ii) Pre-duty alcohol use pursuant to § 382.207;

(iii) Alcohol use following an accident pursuant to § 382.209; and

(iv) Controlled substance use pursuant to § 382.213.

(5) For each violation in paragraph (b)(4) of this section, the employer must report the following information:

- (i) Driver's name, date of birth, CDL number and State of issuance;
- (ii) City of Northfield name, address, and USDOT number, if applicable;
- (iii) Date the City of Northfield obtained actual knowledge of the violation;
- (iv) Witnesses to the violation, if any, including contact information;
- (v) Description of the violation;
- (vi) Evidence supporting each fact alleged in the description of the violation required under paragraph (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
- (vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (b)(4) of this section.

(6) An employer who employs himself/herself as a driver must designate a C/TPA to comply with the employer requirements in paragraph (b) of this section related to his or her own alcohol and controlled substances use.

(c) *C/TPAs*. Any employer may designate a C/TPA to perform the employer requirements in paragraph (b) of this section. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with this section. Exception: an employer does not retain responsibility where the C/TPA is designated to comply with City of Northfield requirements as described in paragraph (b)(6) of 382.705.

(d) *SAPs*.

(1) SAPs must report to the Clearinghouse for each driver who has completed the return-to-duty process in accordance with 49 CFR part 40, subpart O, the following information:

- (i) SAPs name, address, and telephone number;
- (ii) Driver's name, date of birth, and CDL number and State of issuance;
- (iii) Date of the initial substance-abuse-professional assessment; and

(iv) Date the SAP determined that the driver demonstrated successful compliance as defined in 49 CFR part 40, subpart O, and was eligible for return-to-duty testing under 382.

(2) SAP must report the information required by paragraphs (d)(1)(i) through (iii) of this section by the close of the business day following the date of the initial substance abuse assessment, and must report the information required by paragraph (d)(1)(iv) of 382.703 by the close of the business day following the determination that the driver has completed the return-to-duty process.

(e) *Reporting truthfully and accurately.* Every person or entity with access must report truthfully and accurately to the Clearinghouse and is expressly prohibited from reporting information he or she knows or should know is false or inaccurate.

Reporting Entities and Circumstances	
Reporting Entity	When Information Will Be Reported to Clearinghouse
Prospective/Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
Service Agent acting on behalf of Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
MRO	<ul style="list-style-type: none"> — Verified positive, adulterated, or substituted drug test result — Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191
SAP	<ul style="list-style-type: none"> — Identification of driver and date the initial assessment was initiated — Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing

NOTICE TO DRIVERS OF ENTRY, REVISION, REMOVAL, OR RELEASE OF INFORMATION 382.707

(a) FMCSA must notify a driver when information concerning that driver has been added to, revised, or removed from the Clearinghouse.

(b) FMCSA must notify a driver when information concerning that driver has been released from the Clearinghouse to an employer and specify the reason for the release.

(c) Drivers will be notified by letter sent by U.S. Mail to the address on record with the State Driver Licensing Agency that issued the driver's commercial driver's license. Exception: A driver may

provide the Clearinghouse with an alternative means or address for notification, including electronic mail.

DRIVERS' ACCESS TO INFORMATION IN THE CLEARINGHOUSE 382.709

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

CLEARINGHOUSE REGISTRATION 382.711

(a) *Clearinghouse registration required.* Each City of Northfield and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.

(b) *Employers.*

(1) Employer Clearinghouse registration must include:

(i) Name, address, and telephone number;

(ii) USDOT number, except if the registrant does not have a USDOT Number, it may be requested to provide other information to verify identity; and

(iii) Name of the person(s) the employer authorizes to report information to or obtain information from the Clearinghouse and any additional information FMCSA needs to validate his or her identity.

(2) Employers must verify the names of the person(s) authorized under paragraph (b)(1)(iii) of this section annually.

(3) Identification of the C/TPA or other service agent used to comply with the requirements of this part, if applicable, and authorization for the C/TPA to query or report information to the Clearinghouse. Employers must update any changes to this information within 10 days.

(c) *MROs and SAPs.* Each MRO or SAP must provide the following to apply for Clearinghouse registration:

(1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity;

(2) A certification that the applicant's access to the Clearinghouse is conditioned on his or her compliance with the applicable qualification and/or training requirements in 49 CFR part 40; and

(3) Evidence of required professional credentials to verify that the applicant currently meets the applicable qualification and/or training requirements in 49 CFR part 40.

(d) C/TPAs and other service agents. Each consortium/third party administrator or other service agent must provide the following to apply for Clearinghouse registration:

(1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity; and

(2) Name, title, and telephone number of the person(s) authorized to report information to and obtain information from the Clearinghouse.

(3) Each C/TPA or other service agent must verify the names of the person(s) authorized under paragraph (d)(2) of 382.711 annually.

DURATION, CANCELLATION, AND REVOCATION OF ACCESS 382.713

(a) *Term.* Clearinghouse registration is valid for 5 years, unless cancelled or revoked.

(b) *Cancellation.* FMCSA will cancel Clearinghouse registrations for anyone who has not queried or reported to the Clearinghouse for 2 years.

(c) *Revocation.* FMCSA has the right to revoke the Clearinghouse registration of anyone who fails to comply with any of the prescribed rights and restrictions on access to the Clearinghouse, including but not limited to, submission of inaccurate or false information and misuse or misappropriation of access rights or protected information from the Clearinghouse and failure to maintain the requisite qualifications, certifications and/or training requirements as set forth in part 40 of this title.

UTHORIZATION TO ENTER INFORMATION INTO THE CLEARINGHOUSE 382.717

(a) *C/TPAs.* No C/TPA or other service agent may enter information into the Clearinghouse on an employer's behalf unless the City of Northfield designates the C/TPA or other service agent.

(b) *SAPs.* A driver must designate an SAP before that SAP can enter any information about the driver's return-to-duty process into the Clearinghouse.

PROCEDURES FOR CORRECTING INFORMATION IN THE DATABASE 382.17

(a) Petitions limited to inaccurately reported information.

(1) Under this section, petitioners may challenge only the accuracy of information reporting, not the accuracy of test results or refusals.

(2) *Exceptions.*

(i) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge that the driver received a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances if the citation did not result in a conviction. For the purposes of this section, conviction has the same meaning as used in 49 CFR part 383.

(ii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge (other than as provided for in paragraph (a)(2)(i) of this section) if that report does not comply with the reporting requirements in § 382.705(b)(5).

(iii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of a violation under 49 CFR 40.261(a)(1) or 40.191(a)(1) if that report does not comply with the reporting requirements in § 382.705(b)(3).

(b) *Petition.* Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse. The petition must include:

(1) The petitioner's name, address, telephone number, and CDL number and State of issuance;

(2) Detailed description of the basis for the allegation that the information is not accurate; and

(3) Evidence supporting the allegation that the information is not accurate. Failure to submit evidence is cause for dismissing the petition.

(c) *Submission of petition.* The petitioner may submit his/her petition electronically through the Clearinghouse or in writing to: Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Attention: Drug and Alcohol Program Manager, 1200 New Jersey Avenue SE, Washington, D.C. 20590.

(d) *Notice of decision.* Within 45 days of receiving a complete petition, FMCSA will inform the driver in writing of its decision to remove, retain, or correct the information in the database and provide the basis for the decision.

(e) Request for expedited treatment.

(1) A driver may request expedited treatment to correct inaccurate information in his or her Clearinghouse record under paragraph (a)(1) of this section if the inaccuracy is currently preventing him or her from performing safety-sensitive functions, or to remove City of Northfield reports under paragraph (a)(2) of this section if such reports are currently preventing him or her from performing safety-sensitive functions. This request may be included in the original petition or as a separate document.

(2) If FMCSA grants expedited treatment, it will subsequently inform the driver of its decision in writing within 14 days of receipt of a complete petition.

(f) Administrative review.

(1) A driver may request FMCSA to conduct an administrative review if he or she believes that a decision made in accordance with paragraph (d) or (e) of this section was in error.

(2) The request must prominently state at the top of the document: “Administrative Review of Drug and Alcohol Clearinghouse Decision” and the driver may submit his/her request electronically through the Clearinghouse or in writing to the Associate Administrator for Enforcement (MC-E), Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.

(3) The driver’s request must explain the error he or she believes FMCSA committed and provide information and/or documents to support his or her argument.

(4) FMCSA will complete its administrative review no later than 30 days after receiving the driver’s request for review. The Associate Administrator’s decision will constitute the final Agency action.

(g) Subsequent notification to Employers. When information is corrected or removed in accordance with this section, or in accordance with 49 CFR part 10, FMCSA will notify any City of Northfield that accessed the incorrect information that a correction or removal was made.

AVAILABILITY AND REMOVAL OF INFORMATION 382.719

(a) Driver information not available. Information about a driver’s drug or alcohol violation will not be available to an employer conducting a query of the Clearinghouse after all of the following conditions relating to the violation are satisfied:

(1) The SAP reports to the Clearinghouse the information required in § 382.705(d);

(2) The City of Northfield reports to the Clearinghouse that the driver's return-to-duty test results are negative;

(3) The driver's current City of Northfield reports that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title; and

(4) Five years have passed since the date of the violation determination.

(b) Driver information remains available. Information about a particular driver's drug or alcohol violation will remain available to Employers conducting a query until all requirements in paragraph (a) of this section have been met.

(c) *Exceptions.*

(1) Within 2 business days of granting a request for removal pursuant to § 382.717(a)(2)(i), FMCSA will remove information from the Clearinghouse.

(2) Information about a particular driver's drug or alcohol violation may be removed in accordance with § 382.717(a)(2)(ii) and (iii) or in accordance with 49 CFR part 10.

(d) *Driver information remains available.* Nothing in this part shall prevent FMCSA from using information removed under this section for research, auditing, or enforcement purposes.

FEES 382.721

FMCSA may collect a reasonable fee from entities required to query the Clearinghouse. ***Exception:*** No driver may be required to pay a fee to access his or her own information in the Clearinghouse.

UNAUTHORIZED ACCESS OR USE PROHIBITED 382.723

(a) Except as expressly authorized in this subpart, no person or entity may access the Clearinghouse. No person or entity may share, distribute, publish, or otherwise release any information in the Clearinghouse except as specifically authorized by law. No person may report inaccurate or misleading information to the Clearinghouse.

(b) An employer's use of information received from the Clearinghouse is limited to determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle. No City of Northfield may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in

determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle.

c) Violations of this section are subject to civil and criminal penalties in accordance with applicable law, including those set forth at § 382.507.

(d) Nothing in this part shall prohibit FMCSA from accessing information about individual drivers in the Clearinghouse for research, auditing, or enforcement purposes.

ACCESS BY STATE LICENSING AUTHORITIES 382.725

(a) In order to determine whether a driver is qualified to operate a commercial motor vehicle, the chief commercial driver's licensing official of a State must obtain the driver's record from the Clearinghouse if the driver has applied for a commercial driver's license from that State.

(b) By applying for a commercial driver's license, a driver is deemed to have consented to the release of information from the Clearinghouse in accordance with this section.

(c) The chief commercial driver's licensing official's use of information received from the Clearinghouse is limited to determining an individual's qualifications to operate a commercial motor vehicle. No chief driver's licensing official may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining an individual's qualifications to operate a commercial motor vehicle.

(d) A chief commercial driver's licensing official who does not take appropriate safeguards to protect the privacy and confidentiality of information obtained under this section is subject to revocation of his or her right of access under this section.

PENALTIES 382.727

An employer, employee, MRO, or service agent who violates any provision of this subpart shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b)(2)(C).

INVESTIGATION AND INQUIRIES 391.23

(e) (4) As of January 6, 2023, Employers subject to § 382.701(a) of § 382 must use the Drug and Alcohol Clearinghouse to comply with the requirements of this section with respect to FMCSA-regulated Employers.

(i) *Exceptions.*

(A) If an applicant who is subject to follow-up testing has not successfully completed all follow-up tests, the City of Northfield must request the applicant's follow-up testing plan directly from the previous City of Northfield in accordance with § 40.25(b)(5) of Part 40.

(B) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT mode other than FMCSA, the City of Northfield must request alcohol and controlled substances information required under this section directly from those Employers regulated by a DOT mode other than FMCSA.

(ii) *[Reserved]*

(f) (1) A prospective motor carrier City of Northfield must provide to the previous City of Northfield the driver's consent meeting the requirements of § 40.321(b) of Part 40 for the release of the information in paragraph (e) of 391.23. If the driver refuses to provide this consent, the prospective motor carrier City of Northfield must not permit the driver to operate a commercial motor vehicle for that motor carrier.

(2) If a driver refuses to grant consent for the prospective motor carrier City of Northfield to query the Drug and Alcohol Clearinghouse in accordance with paragraph (e)(4) of 391.23, the prospective motor carrier City of Northfield must not permit the driver to operate a commercial motor vehicle.

Attachment A

City of Northfield Commercial Motor Vehicle Driver's Certificate of Compliance

with DOT Cell-Phone/Texting Bans

MOTOR CARRIERS: The restrictions in 49 CFR Part 392 on using a mobile telephone or texting while driving apply to every operator of a "commercial motor vehicle" as defined in Section 390.5, including interstate vehicles weighing or rated at 10,001 pounds or more, vehicles placarded for hazardous materials, and certain vehicles designed or used for more than 8 passengers (including the driver). In-state operations of vehicles placarded for hazardous materials are also subject to the restrictions. Other in-state-only operations may also be subject, depending on state rules.

DRIVERS: Part 392 of the Federal Motor Carrier Safety Regulations contains restrictions on texting and the use of hand-held mobile telephones while driving a commercial motor vehicle (CMV), including the following:

- **Texting ban (392.80):** You may not manually enter text into or read text from an electronic device while driving a CMV. This includes e-mailing, text messaging, using the internet, pressing more than one button to start or end a phone call, or any other form of text retrieval or entry for communication purposes.
- **Hand-held cell-phone ban (392.82):** You are prohibited from using a hand-held cell phone while driving a CMV. This includes talking on a phone while holding it in your hand (including push-to-talk), pressing more than a single button to dial or answer a cell phone, or leaving your normal, seated driving position to reach for a cell phone.

Except as prohibited under City policy, you are allowed to use a hands-free phone, a CB radio, a navigation system, a two-way radio, a music player, or a fleet management system for purposes other than texting. Texting and hand-held cell-phone use are **only** allowed if you need to contact emergency services or if you have stopped in a safe location off the road.

Penalties (383.51, 391.15, 49 CFR 386): CDL and non-CDL drivers can be disqualified for 60 up to 120 days and/or face fines of up to \$2,750 for each violation. City can be fined up to \$11,000 for each violation.

It is understood that the above information is being provided to the employee in an effort by the City of Northfield to show good faith efforts to achieve compliance with the above-cited regulations. (49 CFR § 386.81)

SECTION FIVE: MANAGER/SUPERVISOR POLICIES/PROCEDURES

DISCIPLINARY ACTION PROCEDURE:

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

Should a supervisor believe that an employee is not conforming to the City of Northfield's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Mayor or designee, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Municipal Clerk for the employee's official personnel file.
- **Mayor or designee Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Mayor or designee, the employee will be so advised and a meeting arranged with the Mayor or designee at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Mayor or designee, and the Mayor or designee must review and approve any written performance documentation before it is

presented to the employee. Notices of reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Municipal Clerk for the employee's official personnel file.

- **Suspension:** Whenever an employee is recommended for suspension, the Mayor or designee will make the decision and may seek the advice of the City Labor Attorney, if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Mayor or designee and City Council will make the decision only after seeking the advice of the City Labor Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

EMPLOYMENT PROCEDURE:

Recruitment: The Mayor or designee in conjunction with the Municipal Clerk will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and Equal Employment Opportunity Commission "EEOC" requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Municipal Clerk who will distribute notification of the vacancy to all departments. The Municipal Clerk will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the City of Northfield is an equal opportunity employer.

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

Interviews: The Municipal Clerk or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the

New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The City of Northfield will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the City of Northfield.

Physical Examinations: Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Mayor or designee may require applicants to pass a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Mayor or designee may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the City of Northfield at the expense of the City of Northfield. All medical records of employees and prospective employees are confidential and are to be maintained by the Municipal Clerk separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

Criminal Background Checks: Criminal background checks are required of all candidates, 18 years old and older; additional checks apply to those that may work directly or indirectly with children/youth/minors. Background checks are coordinated by the Municipal Clerk's Office

Job Offers: The final decision will be made at the recommendation of the Department Head, and with the advice and consent of the City Council, after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the City of Northfield. The employment offer must be made in a letter to the candidate, prepared by the Municipal Clerk, outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

Acceptances and Rejections: If the first offer is rejected, the Department Head, with the advice and consent of the Mayor or designee, will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

Employability Proof: After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.

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

PROCESSING AND ORIENTATION OF NEW EMPLOYEES:

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

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and Personnel Policies and Procedures Manual, and acknowledgement of receipt;
- The Employee Complaint Policy and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

The hiring department provides additional information to the new employee. A checklist is to be used by the hiring department, and signed by the new employee that information was received shall contain the following:

- A. Work standards and regulations
- B. Hours of work, time cards or reports, leave requests
- C. Duties of the position
- D. Safety rules and procedures, location of safety or protective equipment.
- E. Tour of the work area, including location of equipment, supplies, etc.
- F. Introduction to co-workers
- G. Schedule for lunch and breaks
- H. When and whom to report absence from work
- I. Who is responsible for performance review
- J. Right to Know policies

INITIAL EMPLOYMENT PERIOD PROCEDURE:

Except where State requirements or collective bargaining agreements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less than 90 days or more than 6 months, as determined by their position. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Mayor or designee concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Mayor or designee may extend the initial employment period.

Nothing in the procedure set forth in this section shall alter the City of Northfield's employment at will policy. Employment with the City is at will and may be terminated at any time with or without cause or notice by the City of Northfield or the employee.

If an emergency arises during an employee's probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked.

RE-EMPLOYMENT:

Any former regular employee who resigned from the City in good standing is eligible for re-employment.

Persons interested in re-employment should file a completed City Employment Application form with the Municipal Clerk's Office. The individual will then be considered with other applicants.

An individual re-employed in his or her former position may be paid at the same pay step at the time he/she left the City, provided however, that the re-employment is within 1 year of the previous resignation.

The compensation of an employee re-hired to a position other than the former position will be subject to provisions for new hires.

Reinstatement in the retirement system will be in accordance with the rules and regulations as set by the State Retirement System.

Vacation eligibility will be based on previous City service providing rehiring is within a one-year period.

The date of hire will take the person's previous service with the City account; however, future pay increases will coincide with the re-employment date.

The individual's previous personnel file will be re-activated once re-employed by the City provided re-employment is within seven (7) years after the original resignation.

All individuals re-employed by the City must complete a new probationary period.

PERSONNEL FILE PROCEDURE:

The official personnel files shall be maintained by the Municipal Clerk and employee medical information will be maintained in a separate file. Separate personnel files shall not be maintained by individual departments, unless approved by the governing body. At least annually, the Municipal Clerk will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook / Personnel Policies Manual;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE:

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

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor, Department Head, Municipal Clerk or City Labor Attorney must report all written or verbal complaints to the Mayor or designee unless the complaint is against the Mayor or designee. Upon receipt, the Mayor or designee will determine if the complaint was made pursuant to the City's Anti-Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Mayor or designee or investigator appointed by the Mayor or designee will interview the employee. If the employee is reluctant to sign a written complaint, the Mayor or designee or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** The Mayor or designee will seek the advice of the City Labor Attorney when planning the investigation. The investigation should be conducted by the City Labor Attorney, or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Mayor or designee will discuss the conclusions with the City Labor Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the City of Northfield is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Mayor or designee will formulate with the

advice of the City Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Appendix A: Indicators of Child Abuse/Neglect

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

Different types of abuse and neglect have different physical and behavioral indicators.

Physical Abuse

Physical Indicators	Behavioral Indicators
<p>Unexplained bruises and welts: On face, lips, mouth</p> <ul style="list-style-type: none">• On torso, back, buttocks, thighs• In various stages of healing• Cluster, forming regular patterns• Reflecting shape of article used to inflict (electric cord, belt buckle)• On several different surface areas• Regularly appear after absence, weekend or vacation <p>Unexplained burns:</p> <ul style="list-style-type: none">• Cigar, cigarette burns, especially on soles, palms, back or buttocks• Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)• Patterned like electric burner, iron, etc.• Rope burns on arms, legs, neck or torso <p>Unexplained fractures:</p> <ul style="list-style-type: none">• To skull, nose, facial structure• In various stages of healing• Multiple or spiral fractures <p>Unexplained laceration or abrasions:</p> <ul style="list-style-type: none">• To mouth, lips, gums, eyes• To external genitalia	<p>Wary of adult contacts Apprehensive when other children cry Behavioral extremes:</p> <ul style="list-style-type: none">• Aggressiveness• Withdrawal <p>Frightened of parents Afraid to go home Reports injury by parents</p>

Physical Neglect

Physical Indicators	Behavioral Indicators
<p>Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in</p>	<p>Begging, stealing food Extended stays at school (early arrival and late departure)</p>

dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment	Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g., thefts) States there is no caregiver
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Sexual Abuse

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in PE Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

Emotional Maltreatment

Physical Indicators	Behavioral Indicators
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: <ul style="list-style-type: none"> • Compliant, passive • Aggressive, demanding Overly adoptive behavior: <ul style="list-style-type: none"> • Inappropriately adult • Inappropriately infant

Appendix B: Grooming Behavior

Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

Here are some common characteristics of someone attempting to “groom” a child.

- Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
- The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
- Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.

During the grooming process and abuse itself, victims often begin to show tell-tale signs including:

- Sexual behaviors or strong sexual language that is too adult for their age.
- Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
- Also look for cuts and scratches or other self-inflicted injuries.

Conscientious Employee Protection Act

"Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

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

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____ Municipal Clerk

Address: _____ City Hall, 1600 Shore Road, Northfield NJ 08225

Telephone Number: _____ 609-641-2832 x 123

This notice must be conspicuously displayed.

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

HARASSMENT COMPLAINT FORM

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING
THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name:

Department:

Job Title:

Supervisor:

Union Representative (*if any*):

Time Period Covered by Complaint:

Individuals Who Allegedly Committed Harassment:

Name

Department

Job Title

1.

2.

3.

4.

5.

Describe the dates and the nature of the harassment allegedly committed by each identified individual:

Identify all employees or others with knowledge of the complained of conduct:

Are there any documents which contain information supporting the occurrences described above?

Is there any physical evidence which supports your complaint? If so, please describe:

Have you missed any work time as a result of the alleged harassment? If “yes,” identify the occasions.

Have you incurred any unreimbursed medical expenses as a result of the alleged harassment?

If you previously complained about this or related acts of general harassment to an Employer supervisor or official, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint:

(Attach Additional Sheets if Necessary)

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

What is your requested remedy in this complaint?

Acknowledgement:

The information provided above is true and correct.

Signature of Complainant: _____ Date: _____

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. The Employer will notify all persons involved in the investigation that it is confidential and that unauthorized disclosures of information concerning the investigation could result in disciplinary action up to and including termination.

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

Signature of Complainant: _____ Date: _____

Witness Statement Form

***THIS INVESTIGATION IS CONFIDENTIAL AND INFORMATION OBTAINED DURING
THE COURSE OF THIS INVESTIGATION MUST NOT BE DISCLOSED***

Name:

Department:

Job Title:

Union Representative (*if any*):

Length of Time Known: Complainant _____ Respondent _____

Individuals Who Allegedly Committed Harassment:

Name	Department	Job Title
------	------------	-----------

1.

2.

3.

4.

5.

Identities of other persons with knowledge of facts relevant to this investigation:

(Attach Additional Sheets if Necessary)

Witness Statement Form (cont'd)

Please provide a detailed description of the events you witnessed. Include the date, time, location and individuals present.

Any other information which should be considered in evaluating the validity of the complaint in this case:

Acknowledgment:

I, _____, affirm that the information I have provided is true and correct. I acknowledge that the investigation is confidential and that I am not to disclose information obtained by me during the course of this investigation. I understand that unauthorized disclosures could result in disciplinary action up to and including termination.

Signature of Witness: _____ Date: _____

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	<ul style="list-style-type: none"> a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name 	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	<ul style="list-style-type: none"> a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship 	<ul style="list-style-type: none"> a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	<ul style="list-style-type: none"> a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant 	
Race or Color	<ul style="list-style-type: none"> a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number 	
Photographs	<ul style="list-style-type: none"> a) Photographs with application b) Photographs after interview, but before a hiring 	
Age	<ul style="list-style-type: none"> a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number 	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Language	<ul style="list-style-type: none"> a) Applicant's mother tongue 	Language applicant speaks

	b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language	and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge	a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces
Organizations	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
References	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
Sex and Marital Status	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children Spouse's occupation	
Arrest and Conviction Record	The number and kind of arrests of an applicant c)	Convictions which bear a relationship to the job

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Height and Weight	Any inquiry into height or weight of applicant	
Physical Disabilities	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in question involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
Education	Whether or not the applicant is a high school graduate	<ul style="list-style-type: none"> a) Show highest grade completed b) Detail your educational background

CITY OF NORTHFIELD EMPLOYEE PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

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

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

Overall Rating (circle)

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

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

☐ Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job.

☐ New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge.

☐ Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job.

☐ Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations.

Comments:

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

☐ Frequently damages government property and/or equipment. Work not up to expectations.

☐ Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected.

☐ Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors.

☐ Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible.

Comments:

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

☐ Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers.

☐ Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner.

☐ Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code.

☐ Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way.

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

☐ Responds inappropriately to questions, requests, or situations.

☐ Occasionally does not respond tactfully or completely.

☐ Exhibits courtesy and tact. Answers questions or refers to the appropriate party.

☐ Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information.

Comments:

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

☐ Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision.

☐ Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems.

☐ Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes.

☐ Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information.

Comments:

ATTENDANCE: *Consider absenteeism and punctuality.*

☐ Frequently arrives to work late. Excessive absenteeism beyond allotted time.

☐ Occasionally arrives late. Uses nearly all allotted sick time each year.

☐ Always arrives on time. Takes an average amount of sick time.

☐ Always prepared for work. Highly reliable attendance.

Comments:

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

☐ Never volunteers to help. Puts down others who do volunteer work.

☐ Usually not interested in volunteering for projects, teams, etc.

☐ Willing to volunteer if asked to volunteer.

☐ Actively seeks opportunities to volunteer at both work or in the community.

Comments:

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

Does this person have supervisory responsibilities?

[] All the time as part of job requirement.

[] Supervises on an as needed basis.

☐ Continually fails as a

☐ New supervisor and

☐ Fully proficient and

☐ Goes out of way to

CITY OF NORTHFIELD EMPLOYEE EVALUATION CHECKLIST

☐ BE PREPARED

- Know the objectives and goals of the meeting.

☐ TIME AND PLACE

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

☐ CONDUCTING THE INTERVIEW

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

☐ CONCLUSION

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

☐ FOLLOW-UP

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



NOTICE OF DISCIPLINARY ACTION / COUNSELING ACTION PLAN

Employee: _____ Department: _____

Level of Discipline:

- | | |
|--|------------------------------------|
| <input type="checkbox"/> Verbal Warning | <input type="checkbox"/> Demotion |
| <input type="checkbox"/> Written Warning | <input type="checkbox"/> Dismissal |
| <input type="checkbox"/> Written Reprimand or Memorandum of Censure | |
| <input type="checkbox"/> Minor Suspension - _____ Days (<i>Up to 5 Days</i>) | |
| <input type="checkbox"/> Major Suspension - _____ Days (<i>Over 5 Days</i>) | |

1. Statement of the problem: (violation of rules, standards, practices or unsatisfactory performance.)

2. Prior discussion or warnings on this subject: (oral, written, dates.)

3. Statement of company policy on this subject:

4. Summary of corrective action needed: (Include dates for improvement and plans for follow-up.)

5. Consequences of failure to improve performance or correct behavior:

6. Employee comments:

Employee Signature _____ Date _____

Supervisor Name / Signature _____ Date _____

Witness Name/ Signature _____ Date _____

Distribution: (1) copy to Employee, (1) copy to Supervisor, Original to Human Resources.

CITY OF NORTHFIELD

Active Employee Certificate of Receipt [DFW01]

I do hereby certify that I have received and read the New Jersey Drug-Free Workplace Policy, which explains the City's adherence to New Jersey Laws. I have had the terms and conditions of the City's Drug and Alcohol Testing policy explained to me relative to screening or tests by the City, for the purpose of determining the presence of, and content of, any or all of the following substances under circumstances as set forth in the City's Policy:

- | | |
|-----------------|------------------------|
| 1. Amphetamines | 4. Phencyclidine (PCP) |
| 2. Cannabinoids | 5. Cocaine |
| 3. Opioids | |

Testing may also include a metabolite of any of the above substances and mind-altering synthetic narcotics or designer drugs. The term "illegal use of drugs" includes any controlled or scheduled drug not used in accordance with a health care provider's lawful prescription for the user, or any substances banned by Federal or applicable State laws.

I understand that any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits.

POSITIVE DRUG OR ALCOHOL TEST, OR REFUSAL CONSEQUENCES:

- 1) Classified as a positive test or refusal to test**
- 2) Discharge from employment**
- 3) Possible disqualification from Workers' Compensation Benefits**
- 4) Possible disqualification from Unemployment Compensation Benefits**

I also understand that it is not the purpose of this test to identify any disability I may have and that all activities will be conducted in accordance with ADA regulations.

I also understand that the City and/or its designated representative will collect specimens for testing for the purpose of determining the presence of, and content of, drug and alcohol substances, as well as to obtain results from any alcohol or drug test administered post-accident by law enforcement and release of the results of said tests to the City, its DERs, to the City's Medical Review Officer, and as set forth in the Policy.

Employee Printed Name: _____

Employee Signature: _____ Date: _____

Witness Printed Name: _____ Witness Signature: _____

(This form is to be signed by employee and retained in personnel file.)

City of Northfield
ACKNOWLEDGMENT OF CONSEQUENCES OF
REFUSAL TO PARTICIPATE IN DRUG TESTING [DFW03]

I, _____, an employee of City of Northfield , acknowledge that I am refusing to report for Drug and Alcohol testing in accordance with the requirements of City of Northfield New Jersey Drug-Free Workplace Policy. I am aware that I am in violation of the Policy if a refusal occurs. I am aware that I am subject to certain adverse consequences as a result of my choice.

REFUSAL CONSEQUENCES:

- 1) Classified as a refusal to test**
- 2) Possible Discharge from employment**
- 3) Possible Disqualification from Workers' Compensation Benefits**
- 4) Possible Disqualification from Unemployment Compensation Benefits**

I have read this Acknowledgment of Consequences of Refusal to Participate in Drug Testing and understand it.

Employee Signature	Date
--------------------	------

Witness Signature	Witness Address (city, state, zip)
-------------------	------------------------------------

(If employee refuses to sign, please have two witnesses sign below)

Witness 1 Signature	Witness 2 Signature
---------------------	---------------------

Witness 1 Address (city, state, zip)	Witness 2 Address (city, state, zip)
--------------------------------------	--------------------------------------

Receipt for Employee Handbook / Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of City of Northfield's Employee Handbook / Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor, the Mayor or designee or the Municipal Clerk. I understand that City of Northfield is an "at will" employer and consistent with applicable Federal and State law (including the New Jersey Civil Service Act), (as well as applicable bargaining unit agreements), employment with the City of Northfield is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the City of Northfield has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this manual states City of Northfield's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with City of Northfield for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

The personnel policies and procedures of the City of Northfield shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law (including the Attorney General's guidelines with respect to Police Department personnel matters) the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

Please sign and date this receipt and return it to the Municipal Clerk.

Date: _____

Signature: _____

Print Name: _____

Department: _____

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