

**Sussex County Employees' Handbook**  
Adopted by the Board of County Commissioners on March 24, 2021



**COUNTY OF SUSSEX**

**EMPLOYEE HANDBOOK**

**An Equal Opportunity Employer**

**Revised: July 28, 1999**  
**Revised: March 24, 2021**

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## Overview

Welcome! As an employee of Sussex County government, you have the opportunity to become involved in meaningful work while serving your neighbors and fellow citizens. Government service offers the reward of providing for the needs of your own community and the satisfaction of improving the conditions of the life around you. We are glad that you joined us! If you would like to learn more about Sussex County and how the government is structured, feel free to check our website, [www.sussex.nj.us](http://www.sussex.nj.us).

It is the policy of Board of County Commissioners to develop and maintain a personnel policy and employee handbook to inform employees of:

- Personnel Policies
- Benefit Information
- The employee's and employer's responsibilities under State and Federal regulations and laws

The goal of the Employee Handbook is to:

- Ensure standardization and application of County personnel policies
- Provide rights, benefits, duties and expectations as related to employment

Each employee remains responsible to determine by independent means the respective rights, benefits, and duties as they pertain to his/her employment relationship with the County of Sussex and State administered programs. The County retains the right to change county policies as necessary and to bargain with appropriate bargaining agents to change the rights and benefits. Whenever a County policy is revised, the County will take such steps as necessary to communicate it to all persons with a need to know, including management, supervisory personnel and employees. Each employee remains responsible for reading the Sussex County Employee Handbook and maintaining personal files of the revisions.

## DISCLAIMER

It is the policy of the County of Sussex (hereinafter "the County") to treat employees and prospective employees in a manner consistent with all applicable laws and regulations. This employee handbook is not a contract of employment and does not create any enforceable rights on the part of the employees. The personnel policies and procedures of the County shall apply to all employees, volunteers, County Commissioners 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 County personnel matters or the New Jersey Civil Service Act, that law or contract shall prevail. Further, the Sussex County Prosecutor's Office and the Sussex County Sheriff's Office determine and set certain operational policies for their respective departments. In the event that such other operational policies exist, and the terms of those policies conflict with those set forth in this manual, the departmental operational policies shall control.

This manual supersedes all previous handbooks, manuals, guidelines and/or policies prepared and/or distributed by the County at any time in the past. No employee shall rely on any provision contained in any previous handbook issued by the County.

The County Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Board of County Commissioners have appointed the County Administrator and his/her Designees (hereafter "the County Administrator") to implement personnel practices. The County Administrator shall also have access to general, labor and personnel counsel retained by the Board for guidance in personnel matters.

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

The County Employee Handbook adopted by the County is intended to provide guidelines covering public service by the County employees, and is not a contract. This handbook contains many, but not necessarily all of the rules, regulations, and conditions of employment for the County personnel. The provisions of this handbook may be amended and supplemented from time to time with or without notice and at the sole discretion of the County. The County will make every practicable effort to provide employees with reasonable notice of any revisions, settlements, changes, deviations, from or revisions to this manual prior to their implementation.

**THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERSEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS HANDBOOK NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT.**

**THE COUNTY HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME.**

**NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY THE COUNTY ADMINISTRATOR.**

**EMPLOYMENT WITH THE COUNTY IS AT-WILL AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE, EXCEPT WHEN FEDERAL, OR STATE LAW, OR THE APPLICABLE COLLECTIVE BARGAINING AGREEMENT REQUIRES NOTICE AND OPPORTUNITY TO BE HEARD.**

## **Acknowledgement of Receipt of Employee Handbook**

I acknowledge that I have received a copy of the County's Employee Handbook and have read the Disclaimer noted. I agree to read the County Employee Handbook 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 or the Office of Employee Services.

Please sign and date this receipt and return it to the Office of Employee Services.

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

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

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

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

## SECTION ONE

### Policies Relating to Employee Rights and Obligations

#### Definitions

Board of County Commissioners (formerly Board of Chosen Freeholders) - elected by the people for a three year term. The County Commissioner offices are located at the Administrative Building, One Spring Street, Newton.

County Administrator- the chief Administrative officer of the County of Sussex. The Administrator's Office is located at the Administrative Building, One Spring Street, Newton.

Department Head- the highest level of supervision or coordination within the department recognized as the head of that department by the Board of County Commissioners. Departments include, but are not limited to, Board of Taxation, County Clerk, Sheriff, Surrogate, Prosecutor, Board of Elections, Health & Human Services, Finance & Library Services, Central & Shared Services, Engineering & Planning.

Division Head- the highest level of Supervision or coordination within the division recognized as the head of that division by the Board of County Commissioners. Divisions include, but are not limited to: Health, Community & Youth Services, Senior Services, Social Services, Division of Treasury, Fiscal Management, Budget Management, Library Services, Central Administration, Technology & Information Management, Facilities Management, Engineering, Public Works, Planning & Economic Development.

Union or Bargaining Agent- the organization recognized by the Board of County Commissioners as the labor representative for that group. Copies of the union contracts are available from the representatives (management or Employee Services are not permitted to provide copies of union contracts to employees). Union Representation is based on the title held by the employee. If an employee holds a title which is normally represented by the union, whether full or part-time, that employee is considered as represented by that union.

Career Service/Classified positions- positions that require a particular skill or ability and are designated by Civil Service regulations are subject to the tenure provisions of Title 11A, New Jersey Statutes. Classified employees are subject to State Department of Personnel (Civil Service) rules and are divided into two categories: Competitive and Non-Competitive positions; See below. A Career Service/Classified employee is subject to Civil Service rules whether they are full time or part time.

Competitive Positions- Those positions that the State Department of Personnel (Civil Service) requires that an employee apply for an exam, and become certified, to obtain permanent status. Most career service/classified titles are competitive.

Interim Appointment- shall be made where the position/title is held by a permanent employee who:  
1. Is on a leave of absence; 2. Is on indefinite suspension; 3. Has been removed or demoted for disciplinary reasons and is awaiting final administrative action by the Civil Service Commission on appeal; or 4. Has accepted an interim appointment; or as is otherwise defined by *N.J.A.C. 4A:4-1.6*.

Non-Competitive positions- Those positions for which the State Department of Personnel (Civil Service) does not require that an employee take an exam to obtain regular/permanent status. Civil Service determines which titles will be non-competitive, not the County of Sussex.

Permanent Employee- an employee in the career service division who has acquired the tenure and rights resulting from regular appointment and successful completion of the working test period.

Regular Employee- the employment of a person to fill a position in the competitive division of the career service upon examination and certification, or the employment of a person to a position in the noncompetitive division of the career service.

Provisional Employee- employment of a person in the competitive division of the career service pending the appointment of a person from an eligible list.

Temporary Employee- a temporary employee is (a) hired for a specified period of time not to exceed six months, or (b) hired to replace a regular employee who is on leave of absence and will be terminated when the regular employee returns from leave of absence known as an interim appointment, or (c) hired as a seasonal employee, or (d) hired as a work study student, or (e) funded under a State or Federal grant for one year, or (f) hired for an emergency period of time not to exceed 30 days. Temporary employees, except seasonal employees and work study students, receive the same benefits as other employees but have no Civil Service rights or protection.

Part-Time Employees- an employee whose regular hours of duty are less than the regular and normal workweek for that job title or agency.

Promotional Examination- a test open to permanent employees who meet the prescribed requirements for admission.

Unclassified Employees- means those positions and job titles outside of the senior executive service, not subject to the tenure provisions of Title 11A, New Jersey Statutes or these rules unless otherwise specified.

## **Anti-Discrimination**

The County of Sussex (“the County”) is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 (Title VII) and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act (LAD). Under no circumstances will the County discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership

status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. The County is also committed to providing equal pay as required by the federal Equal Pay Act and the Diane B. Allen Equal Pay Act. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with the Office of Employee Services.

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

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

It is the policy of the County to comply with all relevant and applicable provisions of the ADA, the ADA Amendments Act and the LAD. The County will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, breastfeeding, pregnancy related medical condition or childbirth. The County will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an undue hardship on the County.

The County shall engage in an interactive dialogue with disabled or pregnant employees and prospective disabled/pregnant employees (or, when applicable, their physician) to identify reasonable accommodations. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodation shall be made by the Office of Employee Services. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the County to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the County facilities. Any questions concerning proper assistance should be directed to the Office of Employee Services.

## **General Anti-Harassment Policy**

It is the County's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related health condition), childbirth, gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Prohibited conduct includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct. Harassment has the purpose or effect of creating an intimidating, hostile or offensive work environment, has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities.

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

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

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

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

## **Anti-Sexual Harassment**

It is the County's policy to prohibit and prevent sexual harassment of an employee by another employee or any management representative, supplier, volunteer, business invitee, or any other person, including non-employees. The County prohibits sexual harassment from occurring in the workplace or at any other location at which County sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited and to be prevented.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct are expressly prohibited.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Other prohibited conduct includes but is not limited

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

If an employee is witness to or believes that the employee has experienced conduct prohibited by this policy, they must immediately notify their supervisor or other appropriate person. See, Employee Complaint Policy, p. 6.

No County official or employee shall use his or her position to demand sexual favors or conduct from any County employee or other person, to compel County employee(s) or other person(s) to submit to conduct prohibited by this policy, or to retaliate against any other employee or person for refusing to submit to demands for sexual favors or conduct and/or conduct prohibited by this policy. Such conduct will not be tolerated and will lead to termination.

Notification to appropriate personnel of any prohibited conduct is essential to the success of this policy. The County cannot resolve an issue unless it is reported. Therefore, it is the responsibility of all employees to bring prohibited conduct to the attention of management so that steps are taken to correct them.

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

### **“Whistleblower” Policy**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to disclose, object to, refuse to participate in, provide information about, or testify about specific activities, policies or practices that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. The County shall conspicuously display and annually distribute to all employees, in written or electronic form, a notice of employee protections, obligations, rights and procedures under CEPA, prepared and distributed by the New Jersey Department of Labor and Workforce Development. The annual notice shall be in English and Spanish. Employees will be required to provide written or electronic confirmation of their annual receipt of this notice.

The County and the County's employees shall not take any retaliatory action or tolerate any reprisal against an employee for taking or participating in any action protected by CEPA.

Certain protections afforded to employees under CEPA are subject to a notice requirement. That is, to enjoy those protections, an employee who intends to report alleged wrongdoing to a public body must in normal circumstances first notify the County in writing and afford the County a reasonable opportunity to correct the activity, policy or practice before a disclosure to a public body is made. **Disclosure should be directed to the attention of County Counsel, the County Administrator or the Board of County Commissioners.** Disclosure to the County is not required

where the employee is reasonably certain that the activity, policy or practice is known to one or more department heads and/or supervisors of the employer and/or where the employee reasonably fears physical harm as a result of the disclosure provided, however, that the situation is of emergent nature.

Employees are encouraged to complain in writing to their supervisor and/or Department Head. See, **Employee Complaint Policy**, p. 6.

## **Workplace Violence**

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

- Physical contact of any kind to another person;
- Intentionally causing physical injury to another person;
- Making threatening remarks;
- Yelling and/or using abusive language to another person;
- Aggressive, hostile, or bullying behavior that is intended to and in fact creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging County property or property of another employee;
- Possession of a weapon while on County premises or while on County business except with the authority of the Sussex County Prosecutor; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to the Office of Employee Services, or to the local Police if necessary. The County will actively intervene in any potentially hostile or violent situation.

## **Employee Complaint Policy**

Employees who observe actions they believe to constitute violations of policy, improper or unauthorized workplace conduct, or violations of established norms of workplace behavior, including, but not limited to violations of the General Anti-Harassment and Anti-Sexual Harassment Policies and Workplace Violence policies, should immediately report the matter to their supervisor and Division Director, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head or the Office of

Employee Services, or a member of the governing body. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing, but may make an oral complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of wrongdoing will be promptly investigated by a person who is not involved in the alleged wrongdoing.

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

Actions taken internally to investigate and resolve complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident. Appropriate corrective or other action shall be taken as deemed necessary or appropriate by the County.

It is critical that all persons, including the complaining party, the subject of the complaint, and any witnesses, be truthful and honest in the information they provide during the complaint and investigation process. The providing of intentionally false information by any person is strictly prohibited and will result in discipline, regardless of the outcome of the underlying complaint.

## **Code of Ethics/Conflict of Interest**

Employees and County 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 County and the public. Violations of this policy will result in appropriate discipline including termination.

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

A potential or actual conflict of interest occurs whenever an employee, including a County official who is in a position to influence a County decision that may result in a personal gain for the employee or employee's 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 County 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, an employee must immediately contact County Counsel or the Office of Employee Services to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their County responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using County time, supplies or equipment in outside employment activities. The County may request that employees restrict their outside employment if the quality of that employee's work for the County diminishes. Any employees, or their immediate relatives as defined in the above paragraph, who hold an interest in, or is employed by, any business doing business with the County must submit a written notice of these outside interests to the Office of Employee Services.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their County duties. **Under no circumstances can an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the County or any person or firm seeking to influence County decisions. Meals, coffee, drinks, and other entertainment are also prohibited.** Employees are required to report to their supervisor or Department Head any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy. However, employees who have been employed for a minimum of ten (10) years may be eligible to receive a retirement gift from the County, either selected from a catalog designated by the County or a \$150.00 gift certificate to a participating restaurant located in Sussex County.

Employees shall not represent private interests before the County or any board or unit of the County. Employees shall not represent any private interest in any action or proceeding against the interests of the County in any litigation to which the County is a party.

Employees shall not use their official position to obtain personal discounts, preferential or favorable treatment, special rights, benefits, advantages or privileges for one's self, a family member or any other person.

Personal use of County property, equipment, supplies or services is prohibited. When operating equipment or using supplies, it is to be done for authorized functions only. Any employee found taking unjustified advantage of County property will be subject to disciplinary action, based on the seriousness of the offense.

Any County property that becomes lost or stolen is to be immediately reported to the Supervisor. Where the loss or damage is due to employee negligence, the employee is to be held responsible for their actions. Stolen property is to also be reported to the police and a police report obtained and provided to the Supervisor.

This Policy shall be applied in a manner consistent with the New Jersey Local Government Ethics Act. In case of conflict, the provision of the New Jersey Local Government Ethics Act shall control.

## **Confidentiality, Privacy, Security and Monitoring**

All computer and phone systems, including email, voicemail and internet connections (herein referred to as “equipment”), are the property of the County. All documents, information and data created, stored, scanned and/or copied to the County’s computer and/or phone systems are the property of the County and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the County. The County has the right to access, monitor and disclose the contents of any file, email or voice mail message composed, sent, received or viewed on any County equipment system for any business purpose, including but not limited to breaches of security, violations of County policy or other computer system, email or voicemail misuse. All communications, including text and images, may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver, if a violation of this policy is suspected. **See also, the Communication Media/Social Media Policy.**

Any information considered sensitive such as personnel/human resources, finance, and utility account information shall be secured against unauthorized access through the use of appropriate hardware and software systems. Access shall be restricted to persons designated by the Administrator. **Any employee who improperly accesses and/or shares, prints, transmits, or reproduces any confidential County information without prior authorization will be subject to discipline, up to and including termination.**

## **Political Activity**

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

## **Residency**

The County follows all applicable regulations and requirements under the Civil Service regulations and the New Jersey First Act, *N.J.S.A. 52:14-7* (L. 2011, Chapter 70) with respect to residency preference and requirements for all County applicants and employees.

## **Mandatory Religious or Political Meetings**

In accordance with the New Jersey Worker Freedom from Employer Intimidation Act, neither the County nor its agents, representatives or designees shall require employees to attend meetings or receive communication for the purpose of expressing the County’s opinion about religious matters, political party affiliation, or decisions to join or not join, or to participate or not participate in, any lawful political, social, or community activity or organization. No such meeting or communication on any such subject shall be conducted by the County unless employees are advised in writing that they may without penalty refuse to attend or accept the communication. The County, its agents,

representatives or designees may communicate with employees about religious or political matters that the employer is required by law to communicate, but only to the extent required by law.

## **Personnel Files and Personal Information**

Employee personnel files are confidential and shall be treated as such; they shall be secured in a locked cabinet. In recognition of the individual employee's right to privacy, the County has adopted these six principles:

1. The County will request only information required for business or legal purposes. The County will strictly follow the requirements of all federal and state laws with regard to the collection of information about employees. For example, the County maintains records of employee ethnicity only for the purpose of complying with Equal Employment Opportunities Laws and statistical reports.
2. The County shall protect the confidentiality of all personal information.
3. The County will limit the availability of personal information to those County officials with a business "need to know" and upon written request by the County.
4. The County shall not release information to outside inquirers (except as listed below) without the employee's written consent.
5. The County will require each employee of the County involved in record keeping to adhere to these policies and practices and violations will result in disciplinary action.
6. Each employee has the right to review their personnel files, both the main file and the medical file, upon reasonable notice and request.

Upon hiring, the main employee file is prepared and located in the Office of Employee Services. Personnel files do not contain confidential medical information; all medical information shall be maintained in a separate file. Should the County maintain any records in electronic form, they also must be protected from unauthorized access. Paper copies of terminated employees' files are maintained for six (6) years after the date of termination.

In limited circumstances, access to personnel file (or information) and/or medical records may be required. These circumstances include:

1. Persons other than the employee:
  - In response to a valid subpoena, court order or order of an authorized administrative agency, after consultation with and advice of County Counsel;
  - To an authorized governmental agency as part of an investigation of the County's compliance with applicable law;
  - To the County's agents and attorneys, when necessary;
  - In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the County 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 (personnel information not file) or other person requesting verification of employment as described in the policy entitled "Employment References/Financial Verification."
- a. Other County employees may have access to personnel (not medical) files only if they have a need to know. This means access is limited to:
- Office of Employee Services staff in their normal duties; or
  - Potential Supervisors and Department/Division Heads considering an employee for promotion or transfer into their departments; or
  - Supervisors and Department/Division Heads for purposes of disciplinary, time and attendance; or
  - Others only as specifically authorized by the Office of Employee Services (after consultation with County Counsel and/or Labor Counsel).
2. The employee: Each employee may inspect his/her own personnel file, provided an appointment is made with the County Office of Employee Services. No materials are to be removed except as specifically authorized by the Office of Employee Services. Employees may object, in writing, to any material included in their personnel file and such writing shall become a part of the file.
3. Terminated employees may review their personnel file within 90 days of the termination date. Thereafter, see #1 above.

Employees must keep their personnel records up-to-date by notifying the Office of Employee Services of all changes concerning: current address, marital status, youngest child attaining age 26 no longer living in a normal parent child relationship, driver's license status when required for employment, income tax exemptions.

Each employee should check the address listed on his/her paycheck each pay to ensure that it is current and correct. Please complete a "Change of Address" form within 15 days. Employees are required to provide their immediate Supervisor/Department or Division Heads with new phone numbers within 5 days. (NOTE: Failure to provide phone numbers timely may result in disciplinary action.)

If you leave County employment before the end of the calendar year and have moved after your termination date, please notify the Office of Employee Services so your W-2 form at the end of the year for Federal and State Income Taxes can be mailed properly.

## **Job Descriptions**

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the County. The Office of Employee Services will make copies available upon request.

## **Employment References/Financial Verification**

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

In response to a request for information, the Office of Employee Services will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the County is required to release the information by law or (2) the employee or former employee specifically authorizes the County, in writing, to furnish this information.

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

### **Purpose of the Policy**

The purpose of this policy is to create a uniform process for conducting criminal background checks for new hires and periodic background checks in those circumstances in which the County deems it to be job-related and consistent with business necessity to conduct such background checks in connection with employment in specific offices or positions. This policy allows the County to become aware of pertinent information regarding employees and candidates for employment that is job-related and consistent with business necessity, and to avoid foreseeable risks of harm to employees and the public, without discriminating against employees and candidates for employment based upon characteristics protected by state and federal anti-discrimination laws. As required by New Jersey law, (P.L. 2017, c.183), this policy is designed to assure compliance with the Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions issued by the Equal Employment Opportunity Commission (EEOC), Number 915.002, on April 25, 2012

PLEASE NOTE: This policy does not apply to law enforcement or civilian criminal justice employees of the Sheriff's Office or Prosecutor's Office. These divisions/offices conduct their own background checks pursuant to state statutes and AG Guidelines.

## **Background Checks When Required**

For all hires the County will perform criminal background checks on candidates after they receive and accept an offer of employment. Periodic background checks may be conducted for positions or offices when required by law, or as necessary to assure the individual's ability to continue to perform the essential functions of the office or position he or she holds.

A criminal record does not automatically disqualify an employees or candidate for employment from employment. As described in more detail below, the County will review any revealed criminal history and make a determination on case by case basis in light of the nature of the crime, the time elapsed since conviction or completion of sentence, and the office or position in question.

## **Background Check Procedure**

The Office of Employee Services will perform or initiate background checks, and be the recipient of reports from outside agencies or contractors.

The background check process is initiated by having the employees and candidates for employment complete a written consent form to perform the criminal background check each time a background check is conducted.

- Written information received from the State Bureau of Identification, New Jersey Division of State Police, pursuant to a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose to the extent so required by applicable regulations. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.), as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).
- If the County decides to contract with a private contractor to process the background checks, that contractor may be authorized to inform the person in writing of any information which disqualifies the person from employment. Background checks conducted by private contractors shall be conducted in accordance with the federal Fair Credit Reporting Act.

The Office of Employee Services will discuss the revealed criminal background information received with individual. If the individual disputes the information, he/she shall be allowed a reasonable period of time to correct the information. However, when the revealed information disqualifies the employee from fulfilling or performing the essential functions of his or her office or position or reveals a risk of harm to other employees or the public, the individual shall be relieved of all such responsibilities pending this reasonable period of time. If an existing employee does not contest the information or is unable to have the information corrected after a reasonable period of time, the employee will be placed on immediate suspension pending the outcome of any appeal. Employee suspensions may be with or without pay at the discretion of the County.

Should it be determined that a criminal record prevents an individual from holding his/her office or position with the County, the County shall inform the individual in writing of the basis for disqualification.

Disqualification will be based upon a conviction for a disqualifying crime and offense. And will not be considered a disqualifying conviction.

An arrest record standing alone, or acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a crime or offense (except when applicable law requires consideration of expunged crimes or offenses), shall not be used as the basis for an adverse employment action. However, such a record may in some circumstances trigger further inquiry into the underlying facts and circumstances. In such a case, adverse employment action may be taken based on the underlying facts and circumstances to the extent they are job related for the specific office or position in question and are consistent with business necessity. Adverse action will not be taken solely based on the fact that a candidate has an arrest record or has an acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a crime or offense (except when applicable law requires consideration of expunged crimes or offenses).

In making a determination whether the record of conviction disqualifies an employee or candidate for employment, the County shall take into account the nature of the crime or offense, the time that has elapsed since conviction or completion of sentence, and the nature of the employee's position. Specifically, the County shall determine whether the exclusion is job related for the specific office or position in question, and consistent with business necessity.

In applying these criteria, the County shall treat employees and candidates for employment equally, and shall not discriminate based on race, nationality or any other characteristics protected by the state or federal discrimination laws.

- **Appeal Process:** The Appeals Committee will be comprised of a designated Department Administrator, Division Director and the County Administrator.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the County. Such Notice of Appeal must be sent in writing to the County Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to *N.J.A.C. 13:59-1.6*.

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

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

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.

2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.
10. Whether the individual performed the same type of work after the conviction, with the same or different employer, with no known incidents of criminal conduct.
11. The length and consistency of employment history before and after the offense or conduct.
12. Employment and character references and any other information regarding fitness for a particular position.

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

## **Employee Discipline**

The disciplinary procedure is constructed to ensure fair treatment and protect the safety of all employees. Discipline may be in the form of a verbal warning, written warning, suspension without pay, demotion, fine (in cases of damage to County property or expenses incurred), or termination of employment. Discipline for Career Service (classified) employees shall be handled following all procedures set forth N.J.A.C. 4A:2 et. seq.

General causes for discipline may include (but are not limited to) the following:

- Assault or fighting or attempting to provoke a fight on County premises
- Chronic or excessive absenteeism or lateness

- Conduct unbecoming a public employee
- Conviction of a criminal offense
- Drinking alcoholic beverages or using illegal substances on County premises
- Falsification of Records, including but not limited to, employment applications, overtime/payroll records, timecards, vouchers, financial reports, etc.
- Inability to perform duties
- Incompetency, inefficiency or failure to perform duties
- Intentionally misusing or damaging County property
- Insubordination
- Neglect of duty
- Removal of County records, tools or property
- Sleeping on the job
- Smoking in an unauthorized area
- Theft of County property
- Threats of violence, violence toward an employee, property or other person
- Willful disregard of safety rules or failure to use safety equipment
- Unauthorized release of confidential information

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less.

In cases of employee misconduct, the corrective action taken will be based upon the gravity of the situation, the number and kind of previous infractions, and other considerations pertaining to the matter under consideration deemed by the County to be relevant.

Employees entitled to utilize specific disciplinary review procedures under applicable law, individual employment contracts or collective negotiations agreements shall utilize those procedures.

Unless otherwise provided by applicable law, individual employment contract or collective negotiations agreement, all County employees are employees-at-will who may be terminated at any time, with or without cause and with or without notice. Nothing in this manual or any other County resolution, guideline, policy or practice creates a right to removal for cause, or entitles an employee to any disciplinary review process other than as may be provided in applicable collective bargaining agreements.

### **Grievance Procedure:**

Grievances from union employees will be handled pursuant to the terms of the applicable collective bargaining agreement.

## **Resignation of Employment/Exit Interviews**

In accordance with N.J.A.C. 4A: 2-6.1, any employee may resign in good standing by giving the appointing authority (or Department/Division Head) at least 14 days written notice, unless the appointing authority consents to a shorter notice. In accordance with N.J.A.C. 4A:2-6.2, if an employee resigns without complying with the required notice, he or she shall be held to as having resigned not in good standing. Employees planning to retire must adhere to the N.J. Civil Service rules. Completion of the application for Retirement Allowance **may not** be considered in lieu of the required minimum 14 days written notice. The County has extended the above State Civil Service rules to unclassified employees as a County policy.

Termination date shall be your actual last working day. The termination date cannot be a day designated as a vacation day, sick day, holiday, or other benefit leave day.

One exception to this policy is an employee who has been granted a leave of absence and resigns before returning from leave of absence shall be considered as terminated on the date of notification of resignation. If receiving periodic workers' compensation payments and the employee has decided to resign or retire, the termination date shall be the date of the last salary supplement check from workers' compensation.

If you have used more vacation, sick leave, personal leave, or holiday time then earned at the time of resignation, termination, or retirement, it will be deducted from your last paycheck.

**Exit interviews** are scheduled with employees and the Office of Employee Services. The purpose of these interviews is. to obtain frank and honest information about why employees are leaving County employment. The information is held in confidence and used as a statistical report on turnover rates.

## **Layoffs**

In accordance with Civil Services rules and the Collective Bargaining Agreement, the appointing authority may lay off employees for efficiency or economy or other valid reason requiring a reduction of the number of employees in a given class on the basis of seniority.

## **Contagious or Life Threatening Illness**

This policy provides guidance for dealing with work situations involving employees who have contracted communicable illnesses such as, by way of example:

- Measles;
- Influenza;
- Viral hepatitis-A (infectious hepatitis);
- Viral hepatitis-B (serum hepatitis);
- Shingles;
- Human Immunodeficiency Virus (HIV infection);

- AIDS;
- AIDS-Related Complex (ARC);
- Severe Acute Respiratory Syndrome (SARS);
- Tuberculosis

This policy does not replace, and is to be read in conjunction with the County's policies on sick leave, family and medical leave, disabilities, and attendance. The County reserves the right to modify this and other related policies to the extent it is necessary to do so in the event of infectious disease outbreaks.

County policy is to treat any medical information as a confidential medical record. See, Confidentiality of Medical Information Policy. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law. Employees are expected to cooperate with the Department of Health/Public Health Nursing investigations of the communicable disease.

The County will not discriminate against any employee solely because that employee has contracted a communicable illness. The County shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the County.

However, all employees, including those suffering from communicable illnesses, are expected to be able to perform the essential functions of their jobs (with or without reasonable accommodation where such is required by law) without posing a direct threat to the health and safety of themselves or others.

The County recognizes its obligation to provide a safe and healthy work environment for all employees. Therefore, the County will obtain appropriate medical direction, when necessary, to ensure that an employee's communicable condition does not pose a significant risk of substantial harm to him/herself or to other employees.

Employees are required to notify the County at the earliest possible time if they believe they have an illness that is medically recognized as being readily contagious and/or which poses a health hazard to other employees or to the public at large.

The County will make objectively reasonable decisions involving persons who have communicable illnesses based on current and well-informed, competent medical advice and opinion concerning the illness in question, the risks of transmitting the illness to others, the employee's symptoms, work and medical histories, and a careful weighing of the identified risks and the available options for minimizing them. In appropriate cases, the employee may be instructed not to report to work until medical clearance to return to duty is received.

With respect to HIV/AIDS, according to the best medical advice available to date, casual workplace contact with employees who have AIDS/HIV will not result in transmission to others. Employees are expected to work with co-workers and any other individuals who have these

conditions that do not pose a significant risk of harm. Employees who have unwarranted fear of exposure will not be allowed to refuse to work with individuals affected by HIV/AIDS or any other communicable illness that does not pose a medically recognized direct threat of contagion. The Office of Employee Services has been designated as the contact person regarding this policy.

## **Confidentiality of Medical Information**

Information pertaining to the personal health, medical and psychological conditions, illnesses or physical and mental limitations, or impairments of employees, including but not limited to medical and psychological reports and doctor's notes, is confidential, shall not be disclosed to the public, and may be disclosed to such persons only to the extent permitted by applicable law.

The County will take reasonable precautions to protect health and medical information of its employees from inappropriate disclosure, except:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.
- Information may be disclosed internally for the purposes of sanitization and cleaning potentially infectious areas and/or County facilities but such information will never include personally identifiable employee information.

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

## **Drug Free and Alcohol Free Workplace/Drug Testing**

The County of Sussex recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees.

Reporting to work, or working, under the influence of alcohol, illegal drugs or a controlled substance is strictly prohibited. Likewise, operating a county vehicle or a personal vehicle while on County business under the influence of alcohol, illegal drugs or an unauthorized controlled substance is strictly prohibited.

As part of the hiring process, prospective new employees are subject to pre-employment drug testing. A candidate who refuses to submit to testing as requested will not be hired.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's appearance and/or work performance causes a reasonable suspicion that that employee is impaired due to intoxication, drug or controlled substance use. The determination that a reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Supervisors or department heads shall not have the option of sending the employee home as an alternative.

The supervisor or department head will immediately document and report any reasonable suspicions to the designated representative for reasonable suspicion in the Office of Employee Services. An employee's refusal to submit to testing when requested may result in immediate disciplinary action including termination, even for the first offense.

The County shall also require drug, alcohol/controlled substance testing of any employee who is involved in an accident while operating a County vehicle or equipment. Employees who test positive for illegal drugs, alcohol or an unauthorized controlled substance shall be subject to discipline up to and including termination of employment, even for the first offense.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs, drug paraphernalia or unauthorized prescription drugs on County premises or during work hours by employees is strictly prohibited.

Prescription medication can be used only by the individual to whom it was prescribed. Soliciting, selling or distributing prescription drugs to other employees is strictly prohibited. Prescription and non-prescription (over-the-counter) drugs should be used only as prescribed or indicated while on the County property or during work hours. For purposes of this policy prescription medication taken without a prescription, or by a person other than the person it was prescribed to, or inconsistent with how it was prescribed shall be deemed an unauthorized controlled substance.

Employees using prescription drugs that may affect job performance or safety must immediately notify the Office of Employee Services who is required to maintain the confidentiality of any information regarding an employee's medical condition. in accordance with the Health Insurance Portability and Protection Act. Before commencing work, the employee must also provide the name of the prescription and a doctor's authorization to work. The County may require an employee who takes such prescription medication to obtain medical clearance from a doctor verifying that they do not interfere with the employee's ability to perform his/her job duties safely.

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

County of Sussex personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the separate Commercial Driver's Licenses Drug and Alcohol Testing Policy and the Federal Transit Administration Drug and Alcohol regulations and the provisions contained in the separate County of Sussex Substance Abuse Policy for FTA and FMSCA Safety Sensitive

Employees. Those employees will receive a copy of the applicable policies in addition to this policy, and may also obtain copies from the Office of Employee Services.

The County of Sussex provides an Employee Assistance Program to employees who may have a substance abuse problem.

Any employee found violating any of the County's Drug and Alcohol policy will be subject to discipline up to and including immediate termination of employment, even for the first offense.

### **Controlled Substance Use and Alcohol Abuse Policy for Safety-Sensitive Employees and CDL Holders**

There are separate Commercial Driver's Licenses Drug and Alcohol Testing Policy and a County of Sussex Substance Abuse Policy for FTA and FMSCA Safety Sensitive Employees for both Safety-Sensitive Employees and CDL holders. The applicable policies will be distributed to all CDL holders and Safety-Sensitive employees. Additionally, both policies are available in the Office of Employee Services for review.

### **Motor Vehicle and Drivers' License Policy**

#### **General Purpose:**

The County of Sussex owns and maintains a fleet of vehicles and equipment such as loaders, excavators etc. (referred to herein collectively as "County Vehicles") that are used in furtherance of the business of the County. The following policy, adopted by the County of Sussex Board of County Commissioners, governs the use of all County Vehicles. This policy shall apply to all County employees who are anticipated and/or required, as part of their regular job duties, to drive County motor vehicles and/or to those employees who may occasionally use their private vehicle to conduct County business.

Any employee violating the provisions of this policy, or the applicable laws and regulations contained herein, will be subject to progressive disciplinary action which includes but is not limited to; loss of the employee's privilege to operate a County vehicle, demotion, and up to and including termination. Violations of this policy may also result in the denial of indemnification and/or defense by the County to the employee in any civil or criminal matter brought in any Court arising from improper use of a County vehicle.

County Vehicles are for official business use only. All personal use of County vehicles is prohibited unless otherwise authorized in writing. The use of a County vehicle to transport any person, other than in the course of an employee's assigned duties and responsibilities, is prohibited. Employees or County officials found to be operating a County vehicle for personal use shall be subject to disciplinary action.

**Driving Privileges and Licensure:**

All new employees who will be assigned work which requires the operation of a County vehicle will be required to submit to a New Jersey Motor Vehicle Commission driving records check, or a driving record check in any state where an employee has a driver's license, as a condition of employment. The County shall follow the guidelines recommended by its insurance carrier in evaluating driving records. A report indicating an unsatisfactory drivers' record, or a suspended or revoked license status may be cause to deny or terminate employment.

Annual checks of employee's drivers' licenses through visual and formal New Jersey Motor Vehicle Commission review checks and in other applicable states shall be made by the Office of Employee Services. Any employee who does not hold a valid driver's license will not be allowed to operate a County vehicle until such time as a valid license is obtained.

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

Any information related to an employee's driving history and obtained by the County in accordance with this section shall be used by the County only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.).

**Use of a County Vehicle:**

1. Any employee operating a County vehicle must have, in his or her possession, a valid driver's license issued from the State of New Jersey (or another state), and/or if applicable, a valid commercial driver license (CDL) and/or applicable endorsements. Employee must have at least one year of verifiable driving experience, except seasonal temporary help and interns may have less than one year driving experience.
2. Employees are required to file a copy of a valid driver's license, CDL and/or other applicable endorsements, with Employee Services prior to the use of a County vehicle and subsequent to licensure updates and all updates thereafter.
3. Employees who do not regularly and routinely operate motor vehicles, but who elect to use a County motor vehicle or motor vehicle for county business for specified job-related tasks (e.g., attend training, seminars, etc.) shall be required to authorize Employee Services to check their motor vehicle record prior to entrustment of a vehicle/use of a vehicle for County business and annually thereafter.

**Use of a Personal Vehicle for County Business:**

Drivers should not use their personal vehicle for county business. Use of a personal vehicle for county business means use that is a regular occurrence as part of the employee's job. In the rare

event a driver must use his or her personal vehicle for county business, the following conditions shall be met:

1. The employee shall provide the County consent to obtain his or her motor vehicle driving records in accordance with this policy.
2. The employee satisfies the Driving Privileges and Licensure criteria set forth in this policy.
3. The employee shall obtain written authorization from Employee Services before initial use of his or her personal vehicle on county business.
4. The employee will be required to provide a copy of his or her insurance prior to initial use and then annually (depending on the employee's insurance renewal cycle) to the County, together with proof of notification to the employee's insurance carrier that the vehicle will be used for county business before initial use of the personal vehicle on county business.
5. Employees who have been approved by Employee Services to use their vehicles on county business must notify Employee Services if/when there is any change to coverage and/or driving status.

### **CDL Holders:**

Employees required to hold Commercial Drivers Licenses (CDLs) as a requirement of employment shall be subject to all federal and state law requirements applicable to CDL holders as well as the requirements of this policy. In cases of conflict, the federal and state law requirements applicable to CDL holders shall control over any contrary provision of this policy.

In addition, all new hires who possess a CDL license and are subjected to the U.S. Department of Transportation drug and alcohol testing regulations based upon their position within the County will be required to sign the "Federal Motor Carrier Safety Administration Drug and Alcohol Clearinghouse Limited Query Consent Form." As per federal law, the County will run a query on the newly hired employee in the Clearinghouse database to review if any prior employment related drug or alcohol violation is on file. If a violation exists, it is the County's prerogative to revoke the offer of employment at the given time.

#### **Request for Documentation**

Upon request, an employee must provide a copy of their driver's license or other required documents within 24 hours of said request. Any Vehicle Operating Employee must immediately or within 24 hours notify his/her immediate supervisor if at any time the employee receives a major moving violation as defined above, the employee's license expires without renewal, is suspended or revoked, and/or is unable to obtain a license or permit required to perform assigned work (e.g., Class A CDL, Class B CDL, Hazardous Material permit, etc.) An employee that fails to report such an instance is subject to appropriate disciplinary action up to and including termination.

### **Driver Safety Rules:**

The County occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.

Anyone operating a County vehicle or personal vehicles while on County business shall:

- Adhere to all applicable laws regarding cell phone use while driving as in accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations
- Ensure that the driver and all passengers wear seatbelts
- Observe all road safe rules and regulations, such as “Wipers on, Lights On”
- Possess a valid driver’s license and/or CDL when required as well as ensure that all required documents (driver’s license, employee ID badge/card, registration, insurance card, etc.) 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
- Adhere to the Smoke Free Environment Policy that states smoking and vaping in any County vehicle is prohibited
- Keep the County Vehicle clean at all times
- At all times operate County vehicles in a safe manner consistent with the applicable federal, state, and local statutes and specifications outlined in this policy
- Provide an updated copy of employee’s driver’s license annually
- Notify the Office of Fleet Management of any unsafe conditions or items needing repair or maintenance relating to County vehicles
- In the event that an employee is under the influence of any medication (prescribed or over-the-counter) that might impair an employee’s ability to safely operate a vehicle, the employee must refrain from driving until the employee notifies their Supervisor and Employee Services and await clearance to resume driving. Employees should also refer to the policies in the County Drug Free and Alcohol Free Workplace Policy, as well as the Commercial Driver’s Licenses Drug and Alcohol Testing Policy and the County of Sussex Substance Abuse Policy for FTA and FMSCA Safety Sensitive Employees for both Safety-Sensitive Employees and CDL as applicable.

**Violations:**

Violation of any portion of this policy may subject an employee to disciplinary action up to and including termination. Should a Vehicle Operating Employee have his/her license not renewed, suspended or revoked, then that employee may be subject to termination for failure to be able to perform essential functions of his/her position. If it is determined that a Vehicle Operating Employee was unable to renew a license, had his/her license suspended or revoked, did not report this to the County and drove a County vehicle without a valid driver’s license, the employee is subject to disciplinary action up to and including termination.

**Motor Vehicle Violations/Reckless Driving:**

The operator of a County vehicle or any vehicle on County business shall be deemed fully responsible for his/her own actions pursuant to the Motor Vehicle statutes of the State of New Jersey as well as all local ordinances regarding parking, etc. It is required that drivers obey all traffic laws and cooperate fully with local law enforcement officers. The County is not responsible for violation of traffic laws and regulations by operators of County vehicles or personal vehicles on County business. Any penalties incurred by operators of County vehicles, or personal vehicles on County business, resulting from moving or parking violations, or electronic toll payment (EZ PASS) fines, must be borne by the operator.

County employees who are found responsible for damage to County vehicles are subject to disciplinary action and restitution for such damages.

**Accidents:**

Vehicle accident investigations are handled internally and may use external documents such as police reports. If an operator of a County vehicle becomes involved in any type of accident, law enforcement is to be notified and the employee's supervisor and vehicle maintenance are to be contacted immediately. Accidents shall be reported immediately to the employee's supervisor and supervisor of vehicle maintenance; local police should be contacted before the employee leaves the scene of the accident. Employees shall not leave the scene unless discharged by their supervisor or until/unless transported to seek emergency medical care.

It is the responsibility of the operator to obtain the name, driver license number, address, and insurance information for anyone else involved and to reciprocate in kind. The operator is to fully cooperate with local authorities at the scene. The accident should not be discussed with any other parties except appropriate law enforcement and County authorities.

The operator is to fill out Employee Accident Investigation Report Form and Property Incident Report Form, obtainable from their Supervisor and Office Employee Services, at the scene or as soon as possible and submit the report to their supervisor and the Supervisor of Vehicle Maintenance or his/her designee. The supervisor of vehicle maintenance or his/her designee will submit the report to the insurance company/risk management.

If possible, the operator shall take pictures of the damage at the scene and include them as part of the incident report.

If a Vehicle Operating Employee is in a motor vehicle accident or gets a moving violation while using a County vehicle, the County can require that the employee provide authorization to review that employee's motor vehicle record as well as reserve the right to compel the employee attend an assigned safe driving course by Employee Services.

All vehicle operating employees involved in an accident shall be subjected to take a drug and/or alcohol test as determined by the guidelines noted in the Substance Abuse Policy for FTA and FMCSA Safety Sensitive Employees and Drug Free and Alcohol Free Workplace policy.

**County Investigation Procedures for Employees Involved in Vehicular Accidents While Operating a County-Owned Vehicle:**

Employees who have exhibited carelessness, recklessness and/or improper operation of a County-owned vehicle or equipment resulting in an accident or multiple accidents, in which the driver has been wholly or partially at fault for the accident, shall be subjected to progressive disciplinary action which includes but is not limited to; loss of the employee's privilege to operate a County vehicle, demotion, and up to and including termination.

Supervisors shall review all accident reports and make required determinations of cause. If a supervisor determines that an employee who has had an accident has been partially or fully at fault

for the accident, the supervisor shall determine progressive discipline. Determination of fault shall be based on a police report, eye witness account, and other applicable, verifiable data.

Accidents attributed to an employee's carelessness, recklessness or improper operation of the vehicle and/or in which one or more of the following conditions are established and the employee's fault has been determined may warrant more severe discipline, including rapid progression through the progressive disciplinary process, up to and including termination:

1. Any bodily injury to the driver, passenger, or other individual, resulting directly or indirectly from the accident.
2. Significant (more than \$2,500) property damage resulting directly or indirectly from the accident. This is exclusive of consideration of any deductible or co-insurance.
3. Inappropriate and/or illegal driver behavior such as leaving the scene of an accident without reporting same and for failure to report the accident to an appropriate supervisor.
4. Any conviction or finding by any court that the employee violated any motor vehicle or other law or regulation relating directly or indirectly to the accident.

When determining appropriate and fair discipline, a supervisor, in consultation with a division and/or department head, may consider all appropriate alternatives, including but not limited to waiving early steps in the progressive disciplinary process, suspension, fine, charge for the cost of damage, demotion and/or termination. Accurate and complete records of the investigation, evaluation, and factual basis of disciplinary action, if any is warranted, shall be maintained by the supervisor in compliance with applicable regulations.

## **Notary Public**

Some employees may be required to become a notary public as part of their job duties. Normally there is a registration fee that is paid to the County Clerk's Office. If you inform the County Clerk's Office that you are registering as a notary public as part of your job with the County, the registration fee will be waived.

## **Workforce Democracy Enhancement Act**

Supervisory and managerial employees, and elected and appointed officials, shall not encourage employees represented by an exclusive representative employee organization, (labor union), to resign or relinquish their membership in an exclusive representative employee organization, and shall not encourage such employees to revoke authorization for the deduction of fees to an exclusive representative employee organization.

Supervisory and managerial employees, and elected and appointed officials, shall not encourage or discourage employees from joining, forming or assisting an employee organization.

Every 120 calendar days beginning on January 1, 2019, exclusive representative employee organizations shall be provided, in an Excel file or similar format agreed to by the employee organization, the following information for all bargaining unit employees: name, job

title, worksite location, home address, work, home and personal cellular telephone numbers, date of hire, and work email address and personal email address on file.

Exclusive representative employee organizations shall have the right to use the employer's email systems to communicate with negotiations unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the union.

Exclusive representative employee organizations shall have the right to use government buildings and other facilities that are owned or leased by government entities to conduct meetings with their unit members regarding collective negotiations, the administration of collective negotiations agreements, the investigation of grievances, other workplace-related complaints and issues, and internal union matters involving the governance or business of the union, provided such use does not interfere with governmental operations. Meetings conducted in government buildings pursuant to this section shall not be for the purpose of supporting or opposing any candidate for partisan political office, or for the purpose of distributing literature or information regarding partisan elections. An exclusive representative employee organization conducting a meeting in a government building or other government facility pursuant to this section may be charged for maintenance, security and other costs related to the use of the government building or facility that would not otherwise be incurred by the government entity.

## **SECTION TWO**

### **Workplace 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 where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of an actual or a reasonably foreseeable conflict of interest in the future; for example to avoid future conflicts arising, immediate relatives may not work within the same Department and/or Division.

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

## **Employee Dating**

Romantic relationships among employees frequently lead to problems in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems. Therefore, the County has adopted the following policy.

No elected official, officer or employee holding a supervisory, administrative, or managerial position and any employee having the authority to affect or recommend changes in the terms and conditions of employment of another employee, shall engage in a romantic, dating, or intimate/sexual relationship with another employee of the County whom he/she supervises, or whose terms and conditions of employment he or she can influence. Examples of terms and conditions of employment for purposes of this policy include but are not limited to promotion, evaluation, assignment, review or allocation of work, termination, training, discipline and compensation. Violations of this policy may be met with appropriate discipline, transfer, or other appropriate personnel action as the County deems appropriate under the circumstances. No person who is currently on the payroll of the County shall be placed or continued in a position that provides supervision over someone with whom that person has a romantic or dating relationship. Further, the County reserves the right to address any workplace issues that may result from the relationship in a manner it deems appropriate.

Employees considering entering into a dating, romantic or intimate relationship with another County employee, even in circumstances not prohibited under this policy, are strongly encouraged to review and consider all the County policies regarding workplace conduct, including but not limited to policies pertaining to sexual and other forms of workplace harassment, as well as the policy on conflicts of interest and nepotism, and to be guided accordingly. Further, all employees, irrespective of their personal relationship, are expected to conduct themselves in a professional manner while at work and during the County's events and functions and refrain from overt displays of affection or emotion that are or may be perceived as inappropriate in a professional setting.

Employees may report violations of this Dating Policy to the Office of Employee Services.

## **Working Hours**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday/shift. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be called in at least one (1) hour prior to the start of the normal workday, and the employee is responsible for ensuring that the message is received and acknowledged either by the shift personnel or the supervisor on duty; leaving a message on a machine or sending an email is not sufficient.

All County full time employees shall work a minimum of thirty-five (35) hours per week, depending on the employee's specific position, work assigned and department.

All County employees covered by a collective bargaining agreement must work the scheduled hours as set forth in the bargaining agreement and upon proper approval from the department head.

All management staff must inform Employee Services of any need to alter his/her regular work-day hours.

The normal office hours for all management staff are 08:00AM to 5:00 PM. Lunch breaks shall be determined by individual department and or division heads. Any lateness or unauthorized deviation from the approved work schedule will be marked as unexcused absences or tardiness and subject to disciplinary action. Approved flexible hours of work are not deemed to be permanent work schedules, and its approval is based on a specific reason to accommodate the employee's needs at that point in time. Swing schedules are permitted by salaried employees and, hourly (non-union) staff with prior approval by the Department Head.

## **Attendance**

Employees are expected and required to be in attendance, prepared to commence work activities, at the designated work locations, days, and assigned hours. Employees are also expected to remain at their designated work locations for the entire work period (except those positions required to visit other premises.) Late arrival, early departure, and other unauthorized absences are disruptive and should be avoided. Where employees are found to abuse benefit leave time, the County may find it necessary to attempt correction of the situation by counseling, disciplinary measures, or termination of employment.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline, Sick Leave/Absenteeism, for procedures and appropriate forms or call the Office of Employee Services.

## **Unauthorized Absence**

Any employee on an unauthorized absence for more than 5 consecutive days will be deemed to have abandoned his/her position, and will be processed for termination of employment in accordance with N.J.A.C. 4A:2-6.2.

Any employee on an unauthorized absence for less than 5 consecutive days without approval of the supervisor may be subject to disciplinary action.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline, Sick Leave/Absenteeism, for procedures and appropriate forms or call the Office of Employee Services.

## **Emergency Days**

Section 1: The County reserves the right to declare an emergency day, early closing, or late opening for all departments. One common purpose of a declared emergency day, early closing, or late opening is to provide non-essential employees with the ability to stay off roads and highways so that emergency personnel can clear snow ice and other debris. The County reserves the right

to determine the status of each title as essential or non-essential. Because of the unique status of essential employees and their role in Sussex County Government, County policy shall require essential employees to report for their scheduled work. Non-essential employees are to report or be dismissed as directed; essential employees required to work on a declared emergency day only (excluding delayed openings/early dismissals) will receive a compensatory day off, to be used within 120 days from the declared snow day. Supervisors/Department Heads will work with employees to define and determine essential and non-essential workers and define report to work requirements.

Section 2: Should non-essential employees report for work and subsequently the County decides to close County offices, such employees who reported to work shall be credited for the day's work. If the County decides to close County offices after the start of the workday, all offices will remain open until official notification is received. Non-essential employees required to work due to a State and Federal mandate shall be treated as essential employees.

Should the County close County offices before the start of a workday or declare a delayed opening, all non-essential employees scheduled to work that day will be credited with a day's work without charge to benefit leave time. (There shall be no charge against his/her benefits leave time.) Non-essential employees who were scheduled for benefit leave time or for an "off day" prior to the declared emergency day, early closing, or late opening, shall not receive compensatory time off or overtime.

Notification of emergency days or delayed openings will be made by radio announcements on local radio stations periodically during the day.

Employees can subscribe to Sussex County Emergency Closure notifications available on [www.sussex.nj.us](http://www.sussex.nj.us), subscribing provides emergency alerts via email and/or phone.

Section 3: If the County does not declare an emergency day or delayed opening, an employee who does not report to work will be charged with either a vacation day or personal leave day.

Section 4: If an employee is reasonably late reporting to work due to traveling conditions caused by emergency, snow and/or ice conditions, that employee shall be credited with a full working day.

## **Telework Policy**

### *Remote Working:*

Remote work is a working style that allows employees to work outside of a traditional office environment. Remote working differs from teleworking in that it occurs on a non-routine or infrequent basis.

Before informing an employee with a known disability that a requested remote work location cannot be accommodated, the supervisor or manager must consult with the Office of Employee Services.

*Teleworking:*

Upon approval of the Division / Department Head, eligible County employees in certain classifications may be permitted or required to perform approved County work functions from locations other than official and traditional government office locations on a regular or recurring basis.

The Sussex County's teleworking program is designed as a work alternative that the County may offer to some employees when it would benefit both the employee and the organization. Teleworking is not a right or entitlement, but an alternative work arrangement intended to enhance safety, productivity, creativity, employee satisfaction, and/or reduce operation costs. A teleworking arrangement could include working in an alternate location exclusively or a combination of an alternate location and conventional office. Some positions, by the nature of their expectations and responsibilities, lend themselves to the possibility of teleworking; others do not. In all cases, the needs of the County and service to the external and internal customers take precedence in decisions about teleworking. Teleworking does not change the basic terms and conditions of employment with the County, and employees are subject to all County policies that apply when working at a County facility.

This policy covers the employee's and the County's obligations when the employee works at an alternate location, including the employee's home.

Employees participating in the Teleworking Program must complete a formal teleworking agreement that is approved by the Supervisor, Division / Department Head. You may contact the Office of Employee Services for a copy of the teleworking agreement, and they will maintain a copy of the completed and approved form.

The employee or the County may terminate the agreement at any time for any reason with a two-week notice. Department Heads have the authority to approve individual teleworking arrangements consistent with the County guidelines.

**Position Criteria:** Teleworking is not appropriate for every position, and Department Heads should consider the following criteria when approving a teleworking arrangement:

- Exempt positions according to union contract guidelines are eligible. Non-exempt positions require approval of the Office of Employee Services and Department Head due to potential overtime liability;
- Position should function independently;
- Position should require limited face-to-face customer contact in the office setting;
- Work is technology/information driven rather than customer oriented;
- Position has a well-developed work plan with clear objectives and appropriate measurement criteria to insure good accountability;
- Information security is addressed, and any specialized reference materials are available without additional costs to the County; and the business needs of customers, the office and co-workers can be met from alternative locations.

**Employee Criteria:** Teleworking is not suitable for every employee, and Division/ Department Heads should consider the following criteria when approving a teleworking arrangement:

- Employee has thorough knowledge of the job and supervisor's expectations;
- Employee is a good performer as demonstrated by appropriate performance reviews and no disciplinary actions within the past two years;
- Employee has a positive attitude and work ethic;
- Employee has good computer skills and can operate computers, software systems, and related equipment effectively and independently;
- Employee can work productively with limited supervision;
- Employee is well-organized and has effective time management skills;
- Employee is self-motivated and results-oriented; and the employee requires limited supervision.

**Management Criteria:** Teleworking can present some management challenges as managing remote employees requires skills in communications and accountability. The employee and the manager must be committed to making the teleworking arrangement successful. The following management criteria should be considered when approving a teleworking arrangement.

- Manager encourages good communication and feedback among all employees;
- Manager is comfortable managing by results rather than observation;
- Manager and employee have a developed results-oriented work plan that allows independent performance and accountability;
- Manager is an effective problem-solver and facilitator;
- Manager is supportive of teleworking as a concept
- There is a high level of trust and good working relationship between the manager and the employee.

**Participation:** Employees who participate in teleworking are required to maintain the same standards of confidentiality for County records and information as if they were working in County office space. The responsibility for maintaining confidentiality applies to all types of records including paper, electronic or other media. Failure to maintain confidentiality will result in disciplinary action up to and including dismissal.

There are several types of teleworking arrangements available depending on the frequency of the days scheduled to work at home. The employee and the manager will determine the appropriate level for the position based upon business need and recommend that level to the Department Head for approval. Departments should consider regularly scheduled meetings and other business needs when approving teleworking schedules.

Categories of Teleworking:

A. **Occasional Teleworking** – One day or less per week

Occasional teleworkers spend most of the week in a County provided work space but may work one day or less in an alternate location. Occasional teleworkers may periodically work full-time at an alternate location to complete a special assignment

**B. Part-time Teleworking** – Two to four days per week

Part-time teleworkers work two to four days per week in an alternate location

**C. Full-time Teleworking** – Four or more days per week

Full-time teleworkers work four or more days per week in an alternate location, such as a home office, mobile office, etc. This schedule may include field-based employees who complete administrative assignments at home. Specific hours and days of the week must be defined and approved through a formal teleworking agreement

**Teleworking Provisions:** Teleworkers may forfeit their assigned office space and may alternate use of shared space with another employee. Department Heads or their designees will determine how shared spaces will be utilized. If the teleworking agreement is modified or cancelled, the Department Head is responsible for identifying office space. It is strongly recommended that an employee begin teleworking on an occasional or part-time basis prior to a full-time teleworking schedule.

All employees who telework must adhere to all County policies and procedures including those pertaining to technology. Any computer hardware or software purchased by Sussex County is the property of Sussex County. All County-owned computer equipment and software will be returned to the department if the telework arrangement is terminated or if the employee separates employment.

Since the home office is an extension of County work space during the hours and days established in the teleworking agreement, any on-the-job accidents or injuries will be covered under the County's Workers' Compensation Program, provided that such accidents or injuries arise out of the employment and are within the course and scope of employment and occur during the specified teleworking schedule. Teleworkers must report any accidents or injuries immediately to their supervisor as if they were working in their normal office environment. Worker's Compensation claims are subject to review and investigation by Risk Management and the Workers' Compensation Third-Party Administrator. Business visits, meetings with customers or regularly scheduled meetings with co-workers will not be held at the home. Normal business expenses that are usually reimbursed by the County will be handled similarly for teleworkers. Teleworkers are expected to obtain office supplies when they are on-site at their regular County office. Work-related long-distance calls charged to the teleworker's home telephone will be reimbursed following normal reimbursement procedures. Local internet service provider charges will be the responsibility of the Teleworker. Other business expenses must be submitted and approved using the normal reimbursement process established by the teleworker's department and the County Finance Department.

Teleworking is not a substitute for dependent care. Teleworkers will not act as the primary caregiver for dependents during scheduled work hours. Employees working at home will manage dependent care and other personal responsibilities in a manner that allows them to successfully meet job responsibilities.

If an emergency such as loss of power or internet service affects the teleworker's home office for a major portion of the day, the employee may be required to report to a County office or take vacation leave.

## **Breaks**

Each non-represented employee shall be entitled to one fifteen minute break for each half day period of work (morning and afternoon and equivalent periods for shift work), or as established in the terms of an applicable collective bargaining agreement for any union represented employee. Union member breaks will follow the provisions of the applicable collective bargaining agreement.

### ***Non-represented employees:***

Established time for non-represented employees for these breaks will be set by the Supervisor/Division Head and shall be strictly observed. Unused break time shall not be credited or accumulated. Break time shall not be combined with lunch break.

Each non-represented employee shall be entitled to a lunch break for each work-day. Established time for this lunch break will be set by the Supervisor/Division Head and shall be strictly observed. Unused lunch breaks shall not be credited or accumulated. Non-represented employees who do not take their lunch break shall not be permitted to report to work late nor leave work early without prior approval from their supervisor. No non-represented employee shall be paid for his/her lunch break.

## **Tardiness, Extending Lunch or Breaks or Leaving Work Early**

All employees shall be expected to adhere to assigned work hours and to complete their work in the time allocated for the normal working day. Depending on the particular department, weekly full time work hours are a minimum of thirty-five (35) hours per week, and salaries are set accordingly.

Standards for tardiness or leaving work early are set by each department and/or division. Employees working in 24-hour facilities are required to adhere to rigorous standards. Employees are expected to report for work on time, on a regular basis. Unnecessary lateness, leaving work early, or extending established lunch breaks, are expensive and disruptive and they place an unfair burden on the County, including other employees and Supervisors. If an employee is going to be late for any reason, s/he must telephone the Supervisor as far in advance of the starting time as possible. The employee must explain the reason for the lateness and when s/he expects to report for work. It is the employee's responsibility to ensure proper notification is given. Asking another employee, friend, or relative to give this notification is not considered proper, except under emergency conditions.

Unauthorized lateness, extending lunch breaks or leaving work early without prior approval, will be subject to disciplinary action up to or including termination of employment. Factors to be considered include (but are not limited to):

- Prior notification to the supervisor.
- How the action affected other employees, work productivity, overtime costs, or service to the public.
- How much work time was lost.
- Frequency of occurrence.

Any employee falsifying time sheets shall be subject to disciplinary action up to or including termination of employment.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline for procedures and appropriate forms or call the Office of Employee Services.

## **Dress Code**

Sussex County requires employees to be neat, orderly, and dressed appropriately for the work they perform. Some departments/divisions have adopted specific dress standards or require uniforms. Employees who receive a clothing allowance or uniforms may be required to meet specific dress standards. Employees must wear clothing and/or jewelry that will ensure a safe environment. Employees must present themselves professionally and avoid casual or suggestive attire or hats, or other clothing of a similar nature, that does not present a businesslike appearance. Absent a specific division policy, the following attire is inappropriate:

- jeans (may be permitted when working in the field or on Fridays Dress Down Day)
- dirty and/or torn clothing
- t-shirts or sweatshirts which advertise unprofessional and/or controversial subject matter
- attire that displays advertisements (such as contractor and vendor information)
- halter tops or clothing that exposes the midriff
- shorts (excluding skorts)
- Spandex clothing or clothing generally worn for exercise
- clothing worn so that undergarments are readily visible
- undergarments worn as outerwear
- transparent clothing
- excessive piercing of visible body parts, including connecting chains
- beachwear, including flip flops or similar foot ware that may pose a safety hazard
- sneakers

Certain divisions may adopt Fridays as “Dress Down Day” and employees may voluntarily wear conservative casual attire. Employees are expected to come to work looking neat and clean wearing clothing that is conducive to safety of oneself and others, and dressed in good taste for their particular work environment.

The County Administrator has approved certain divisions to have specific dress standards which are conducive to their operations. Such specific dress standards are on file with the Office of Employee Services. These standards shall be uniformly applied and provided, in writing, to any prospective applicant at the time of job offer and on the first day of work.

Should an employee fail to meet the dress standards or required uniforms or fail to dress in an appropriate manner, the employee may be sent home to change, without pay. Failure to meet dress standards shall be subject to disciplinary action up to and possibly including termination of employment. The employee may appeal the reasonableness of the supervisor's decision either through the grievance procedure provided for in any collective bargaining agreement, or to the Office of Employee Services.

## **Promotions**

Promotional positions are filled in accordance with Civil Service regulations. No employee will receive a pay cut on promotion. Most represented and non-represented employees will receive a varying percentage increase upon promotion, as determined by the applicable hiring policy and/or collective bargaining agreement. If interested in promotional positions check the bulletin boards or the internet.

## **Demotions**

Demotions may be mutually agreed by the employee and the supervisor, as a result of lay off or for disciplinary reasons. Demotions are administered in accordance with Civil Service regulations.

Most represented and non-represented employees provide for a decrease or the minimum of the salary range, as determined by County policy and/or applicable collective bargaining agreement.

## **Smoke and Vape-Free Workplace Policy**

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersede the rights of smokers. In accordance with State law, the County has adopted a smoke-free policy for all buildings. Additionally, vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

All County facilities shall be smoke-free and vape-free, and no employee or visitor will be permitted to smoke and/or vape anywhere in County buildings. Employees are permitted to smoke and/or vape only at least ten (10) feet outside County buildings and such locations as not to allow the re-entry of smoke or vapor into building entrances. Smoking and/or vaping inside vehicles owned by the County and/or near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced, and any employee found in violation will be subject to disciplinary action.

## **County Property**

Employees are expected to exercise care in the use of County property and to use such property only for authorized purposes. Negligence in the care and use of County property may be considered cause for disciplinary action up to and including termination of employment. Unauthorized

removal of County property from the premises or its conversion to personal use will be considered cause for disciplinary action up to and including termination of employment.

County property issued to an employee must be returned at the time of termination or when requested by the Supervisor. The value of any property issued and not returned may be deducted from an employee's paycheck. County property includes but is not limited to keys, computers, phones, access control cards/IDs/badges, personal protective equipment and more.

## **Cost and Expense Control**

The support and active participation of every employee is essential to help with cost and expense control. Each employee and Supervisor has the responsibility to identify and eliminate inefficient, unnecessary, or wasteful uses of energy and materials throughout the County. The Division of Facilities Management will regulate thermostats and air conditioning systems.

Some steps Supervisors and Department/Division Heads can take to help keep operating costs down:

- Discuss the need to be cost-conscious to all employees. Ask employees for suggestions on improving job performance and reducing waste and cost.
- Consider the potential for savings in each of the Department/Divisions and plan concrete actions to eliminate waste of materials and duplication of functions.
- Search for ways to improve work performance.
- Institute safety procedures to reduce the chance of accidents.

## **Parking Facilities**

The County provides and maintains parking facilities for the use of employees and visitors. The County Employees are to park only in designated areas and avoid parking in visitor spots. The County assumes no responsibility for damage to vehicles or theft of articles from vehicles while on County property. There is a 5 mph speed limit on most County property. Overnight parking on County property is prohibited except as may be authorized by the County. Assigned parking spaces may be available at some locations. Additionally, County employees should have County issued vehicle parking tags visible when parked at County facilities. Check with your Supervisor for more details.

## **Solicitations/Gambling**

Charitable contributions may be solicited on County property only with the permission of the County Administrator. Unauthorized solicitation of employees on the premises are strictly prohibited except for solicitations for gifts for employees for special events (resignations, retirements, weddings, births, etc.). This prohibition applies both to employees on working time and non-employees.

Gambling of any sort is prohibited on County property.

No handbills, notices, or other promotional items may be distributed on County property unless prior approval by the County Administrator has been given.

## **Lockers**

Some work locations provide lockers. Lockers are County property. Lockers may be inspected at any time by a minimum of 2 supervisors/managers. Employees should not keep money or valuables in lockers. Employees who store alcohol, illegal substances, firearms or weapons (except law enforcement as authorized by Department Head) in lockers shall be subject to disciplinary action up to and including termination of employment.

Employees are to report to their Supervisors any break-ins, theft, or suspicious activity around lockers. The County shall not be responsible for destroyed, lost, or stolen personal property.

## **Landline and Mobile Cellular Usage**

County telephones are for official business and employees may make a personal call only in the event of emergent matters. The use of County phones for both incoming and outgoing personal calls is discouraged. Cell phones provided to employees by the County shall only be used for legitimate County business. Unauthorized use of County issued phones may result in disciplinary action, including but not limited to suspension or termination of employment.

## **Communication Media/Social Media Policy**

The County's Communication Media are the property of the County 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 County such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, social media accounts, and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization to do so.

All data stored on and/or transmitted through Communication Media is the property of the County. 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 County business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the County's servers, routers, gateways, bridges, hubs, switches and other hardware components of the County's local or area-wide networks.

The County respects the individual privacy of its employees. However, employee communications transmitted by the County'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 County. The County reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in

storage in the County's Communication Media. By using the County's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by County personnel. The existence of passwords does not restrict or eliminate the County's ability or right to access electronic communications. However, pursuant to New Jersey law the County cannot require the employee to provide the password(s) to his/her personal account(s). This section does not apply to communications contained or transmitted on servers in the County Prosecutor's Office.

All email, social media accounts, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the County are required to use the assigned County email and County social media accounts for all County business and correspondence. The use of private email and social media accounts for any County business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, social media accounts, 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 may not use the County's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any County 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 County's equipment or on the employee's own personal Communication Media.

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

Information security is necessary to protect the County'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 County.

All employees may access only data for which the County has given permission. All employees must take appropriate actions to ensure that the County 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. County data must be stored centrally as required by the County. This provides greater security, and ensures backup of all the County data is performed.

**Review of Stored Information and Temporary Files:** County Communication Media devices including computers, laptop computers, iPads, net books, smart phones, cellphones and other electronic devices record the history of an individual's Internet usage, including, but not limited to the uniform resource locator (URL) of sites viewed, screen shots and images of the webpages visited and viewed as well as other information specific to the Internet usage. Such information can be maintained on the hard drive or other storage device for the electronic device. Further, such information can be stored for a duration of 30 or more days and reviewable by the IT Manager or an agent of the IT Manager with authorization to review such information. Files that have been deleted from the computer hard drive can also be recovered and reviewed by the IT Manager or an agent of the IT Manager with authorization to review such information. Emails, including password protected web-based email programs such as Gmail, Yahoo, Hotmail. Etc., or other files and documents that have been saved on the County's server or sent through the County's mail server can be recovered and reviewed through the appropriate server by the IT Manager or an agent of the IT Manager with authorization to review such information regardless of whether the email was sent with a personal or the County issued device and regardless of whether the email continues to be stored on the individual's electronic device.

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 County's computing environment. Connection of any external devices, including cell phones, USB flash drives, external hard drives etc. need to be approved by IT before use.

Without the approval of the IT Manager, 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 County. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the County, or licensed to the County. 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**

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 County may engage in social media activity during work time through the use of the County'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 County 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 County 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 County. 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 County'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 County or in conjunction with law enforcement activities. Except in "emergency situations," and where an employee's personal cell phone is being reimbursed by the County for work purposes, employees are prohibited from taking digital images or photographs with media equipment not owned by the County. For purposes of this section, collection of work related pictures on personal cell phones should be considered County property and subject to the Open Public Records Act (OPRA).

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 County's Communication Media. If such situation occurs, employee agrees that any images belong to the County and agree to release the image to the County and ensure its permanent deletion from media device upon direction from the County.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the County or on behalf of the County, through the use of the County's Communication Media may be issued unless it has first been approved by the County. Specifically, employees are forbidden from using the County'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. Finally, employees must report any and all questions by any media or news outlet, of any kind and in any format, to the employee's direct supervisor. **Employees may not answer any media questions in any manner on behalf of the County without explicit written authorization by the County Administrator or Constitutional Officer.**

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

All users are personally accountable for messages that they originate or forward using the County'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 County is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of the public and other third-party rights. Any use of the County's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the County, 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 County 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 County, as such no employee shall knowingly represent themselves as a spokesperson of the County. County employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as County employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the County's employment policies. For all other communications by employees on personal social media sites in which matters related to the County are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the County, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the County or the County's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and

when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the County Administration.

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 applicable law.

## **Text and Voice Messaging**

- A. PUBLIC COMMUNICATIONS – Text and voice messages related to County business, whether sent from or received on personally owned phones or County owned phones, are public communications. As such, business related text and voice messages are not private, and are subject to the provisions of the Open Public Records Act (OPRA). All County business communications created by text or voice messaging may be reviewed at any time by the County in response to an OPRA request or as part of an investigation of a complaint alleging improper use of text or voice messaging. For this reason, employees should avoid or minimize the use of personally owned phones and communications devices for County-related communications.
- B. MAINTENANCE OF TEXT/VOICE MESSAGES – It is recognized that maintenance of electronic text and voice messages on certain devices is not within the control of the County and that the Wireless Service Provider will automatically delete these messages after a period of time. In the interim period from the time a text or voice message is sent or received until it is automatically deleted by the Wireless Service provider, all employees, elected and appointed officials and volunteers who use text and voice messaging are prohibited from deleting text and voice messages pertaining to County business.
- C. OPRA REQUESTS – OPRA requests for text and voice messages may be filed with the County. In those instances, employees, officials and volunteers who have responsive County-related text and voice messages that have not been automatically deleted by the Wireless Service Provider on their personal or County issued phones are required, upon notification of the request, to give the Clerk a transcript of the requested message or the wireless cell phone to enable the Clerk to produce and provide a certified transcript of the text/voice message to the requestor, within seven (7) business days of receipt of the OPRA request.
- D. PROHIBITED PRACTICES - No County employee shall create, send, or read received text messages while driving any vehicle or operating any County equipment. Nor shall any employee make phone calls while operating a vehicle or equipment unless they are using a Bluetooth or other hands-free device. All employees elected and appointed officials, and volunteers are required to pull over to a location where the vehicle can be safely parked or cease operating equipment before creating, sending, or reading any text messages. This applies to use of County issued wireless cell phones and personal cell phones.
- E. USER RESPONSIBILITY – All employees, elected and appointed officials and volunteers are responsible for the content of their text and voice communications. Every public

official, employee, and volunteer has the responsibility to use texting and voice mail in a lawful, ethical and professional manner consistent with their respective duties and all County policies and ordinances. The County reserves the right to access and monitor all text and voice messages created, sent or received through County issued wireless cell phones.

## **Bulletin Board and Common Area Postings**

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

## **Visitors**

To avoid disruptions, possible security, and liability problems, it is County policy that:

- 1) This policy be posted on all bulletin boards available to the public and employees. The Department Head, in charge of managing the building, is responsible for ensuring adherence to this policy as well as posting specific instructions for visitors.
- 2) Visitors to County buildings who are on business (for example vendors, clients, job applicants) must identify themselves and state their business, including family members of employees. Some buildings have reception areas which include sign-in logs.
- 3) Visits by personal friends and family members of employees are discouraged and should be limited to 15 minutes maximum. These visits shall be considered as employee break time and shall be approved by supervisors prior to taking the break.
- 4) Employees are prohibited from bringing children with them to work, except as noted herein. Employees' children are prohibited from playing or being unattended on County premises including parking lots.

Exceptions to the above may be granted for national "Bring Your Child to Work Day" only with prior written approval of the Department Head. No child under age 10 will be allowed to participate. The written request must include the time the child will be on County premises and a plan of activities for the child that will not disrupt the employee's work performance or the performance of others. The County accepts no liability for the health and safety of the child while on County premises.

- 5) No visitor is allowed to wander about County premises unescorted. Employees who notice a visitor in the building should ask if they can help them find their destination. If a visitor refuses help or appears to be questionable, the employee shall report the incident to a supervisor immediately.

- 6) Safety is everyone's responsibility. No visitor is allowed to break rules or policies affecting safety. Any employee witnessing breach of safety rules or policies should first attempt to stop the visitor and then shall inform a supervisor.
- 7) The County of Sussex does not tolerate harassment of any kind. Slurs and other verbal or physical conduct relating to a person's race, creed, color, ancestry, sex, age, disability, marital status, national origin, or atypical hereditary cellular or blood trait, or on the basis of affectional or sexual orientation constitutes harassment. Any employee witnessing breach of our non-harassment policies should first attempt to stop the visitor and then shall inform a supervisor.
- 8) Unauthorized solicitations of employees on County premises are strictly prohibited. This prohibition applies both to employees on working time and to visitors.
- 9) Groups of visitors, such as school children or senior citizens, who wish to make a guided tour of County buildings are welcomed. Arrangements for such tours must be made with the written approval of the County Administrator in advance of the tour.

### **Photo Identification/Badge/Access Card**

The purpose of the Photo Identification Cards is to identify County employees to the public as well as for building security. Photo Identification/Badge/Access Cards are available from Employee Services during the new hire orientation or other appointed times through Facilities Management.

Employees shall visibly wear their Photo Identification/Badge/Access Card at all times while on County Property or during County related business such as but not limited inspections.

Failure to have the card available shall result in disciplinary action.

Employees shall be required to return their Photo Identification/Badge/Access Cards to Employee Services or to their Direct Supervisor on their last day of work.

Photo ID/Badge/Access cards are the property of the County of Sussex. Employees shall take every precaution to safeguard their ID cards. Employees are held responsible for lost cards. Notification to replace lost cards must be made to the Supervisor and Facilities Management in writing immediately after becoming aware of the lost card.

### **Safety**

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

Office of Employee Services. Any on-the-job accident or accident involving County facilities, equipment or motor vehicles must also be immediately reported to the employee's supervisor and the Office of Employee Services and the appropriate accident and workers compensation reports must be completed by the employee, the employee's supervisor and the Office of Employee Services.

Without in any way limiting the foregoing, the County shall comply fully with all applicable PEOSHA requirements pertaining to right-to-know, confined space entry, and blood-borne pathogens. All employees who are potentially exposed to these particular workplace hazards shall receive appropriate training and/or protective equipment as required. Employees are encouraged to review PEOSHA postings and contact for Employee Services.

The County 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 the Office of Employee Services and/or their Supervisor.

The County meets with its Risk Manager on a quarterly basis to review Safety policies, procedures, training and insurance claims.

Blank "Employee Accident" reports and "Supervisor Incident" reports are available in the Office of Employee Services. Please be as descriptive as possible when completing the Accident Description and include all pertinent details.

Completion of the Supervisor Incident Report, inspection of the incident location, review of Employee Accident Report and meeting with Office of Employee Services must take place as soon as reasonably possible after any employee accident event.

Failure to report and accurately report safety infractions, accidents, injuries or other incidents is cause for progressive disciplinary actions.

## **Volunteer Firefighters and HazMat Volunteers**

The County of Sussex recognizes the valuable contributions made by its employees on volunteer fire departments, first aid squads, hazmat units, and rescue squads. When a duly certified employee is called to emergency duty during regular work hours:

- The employee shall be released to respond provided (a) safety of the public, co-workers, and/or the safety and security of County property/equipment is not compromised (b) critical County operations are not threatened or disrupted (c) the employee is not employed in a 24 hour facility directly responsible for patient/inmate care/custody or (d) the employee is not a Department or Division Head & the employee has obtained permission from their immediate supervisor.
- The employee shall be granted County time while responding to any such emergencies. This time shall not be charged against the employee's benefit leave time.

- Any employee so excused shall return to work immediately after the emergency is over unless the regular work hours have ceased.

If an employee is called to emergency duty other than regular work hours:

- and the emergency extends into the regular work hours, the employee shall not be considered late for work while engaged in the emergency situation. The employee shall notify their immediate supervisor as soon as possible that they will be late to work.
- and the emergency extends beyond regular work hours, the employee shall not be eligible for overtime or compensatory time off in lieu of overtime.

If, due to fatigue or injury, the employee is unable to return to work immediately after the emergency:

- The employee may request to use vacation leave, personal leave, or earned compensatory time off in lieu of overtime.
- If no benefit leave time is available, the employee may request a leave of absence, without pay.

In the case of emergency fire-fighting duty while under the state fire warden:

- The employee shall be released to respond provided (a) safety of the public, co-workers, and/or the safety and security of County property/equipment is not compromised (b) critical County operations are not threatened (c) the employee is not employed in a 24 hour facility directly responsible for patient/inmate care/custody or (d) the employee is not a Department or Division Head.
- The employee shall be granted County time while responding to any such emergencies. This time shall not be charged against the employee's benefit leave time.
- The employee shall sign over the funds received from the state for fire-fighting services in return for full pay from the County.

### **Management Discretion**

- Employees must provide written documentation of appropriate certification of training and affiliation with an emergency squad or volunteer fire department before taking advantage of this privilege. This documentation shall become part of their permanent personnel file located in the Office of Employee Services.
- This policy is a privilege extended by the County of Sussex to employees on an individual basis, not a right.
- Abuses of this privilege by employees will result in its forfeiture.

- Management reserves the right to request documentation to verify the employee's emergency service whenever it deems appropriate.
- The employee may not respond to emergencies with a County vehicle subject to exceptions to be developed by the County Administrator on a case-by-case basis subsequent to adoption of this policy.
- The County of Sussex recognizes that employees who are duly authorized members of emergency squads or volunteer fire departments are provided insurance protection by the municipal governments. Therefore, the employees are not covered by the County's workers' compensation insurance when responding to emergencies.
- Employees shall request the immediate supervisor's approval before leaving the work site.
- Employees shall document time spent responding to emergencies on their time cards/sheets and on Leave Requests.

## **SECTION THREE**

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

#### **Scope**

These policies cover non-union employees. They also cover union employees to the extent that the collective bargaining agreement does not.

#### **Sick Leave**

Full time employees are granted sick leave from the date of hire at a rate of 1 ¼ days per month or 15 days in a full calendar year. Pursuant to the New Jersey Earned Sick Leave Act, part-time employees shall accrue one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum of forty (40) hours accrued, used or carried over in any calendar year. Said paid sick leave may be used for any purpose listed below, under the conditions set forth below.

1. New full time employees shall receive 1 ¼ sick day for the initial month of employment if they begin work in the 1<sup>st</sup> through the 8<sup>th</sup> day of the calendar month, and one-half sick day if they begin on the 9<sup>th</sup> through the 23<sup>rd</sup> day of the month.
2. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with 1 ¼ sick day for each month of service. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with 15 sick days.

3. Part time employees shall be entitled to the greater of the sick leave available to them pursuant to the New Jersey Earned Sick Leave Act as reference above, or in accordance with the collective bargaining agreement.
4. All unused sick leave may be accumulated from year to year.

**A. Compliance With New Jersey Earned Sick Leave Law, (P.L. 2018, Ch. 10)**

For those of the County's employees who are not in a Civil Service position or do not have a greater benefit through their collective bargaining agreement, whether full time or part time, they shall be entitled to use up to forty (40) hours of Earned Sick Leave ("ESL") in accordance with the Act. For those County employees who have a paid sick benefit that is greater than the ESL benefit, they will be permitted to use all of their paid leave time off per calendar year for the following purposes:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
- (4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
- (5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this Sub-section A only, "family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

If the employee's need to use sick time under this Sub-section A is foreseeable, the employee will be required to produce advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use sick time under this Sub-section A and its expected duration, and shall make a reasonable effort to schedule the use of sick time under this Sub-section A in a manner that does not unduly disrupt the operations of the employer. If the reason for the use of sick time under this Sub-section A is not foreseeable, the employee shall provide notice of the intention to use sick time under this Sub-section A as soon as practicable.

For use of sick time under this Sub-section A extends for three or more consecutive days, the following supporting documentation shall be required:

- If sick time under this Sub-section A is being taken under subparagraph (1) or (2), above: documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave.
- If sick time under this Sub-section A is being taken under subparagraph (3), above: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
- If sick time under this Sub-section A is being taken under subparagraph (4), above: a copy of the order of the public official or the determination by the health authority.
- If sick time under this Sub-section A is being taken under subparagraph (5), above: any reasonable documentation showing that a conference, meeting, function, or other event has been scheduled or is occurring.

## **B. Sick Time Procedures**

### **Process for Use of Sick Time**

It is an employee's responsibility to "call in" sick. Failure to "call in" directly to department supervisor shall be just cause for suspension without pay for up to five days. Each office, agency, division or department has a requirement of minimum notice when calling in for sick leave. It is each employee's responsibility to find out the "call in" requirement and adhere to it. Leave Requests for use of sick leave shall be completed by the employee no later than the end of the return to work-day.

ABUSE OF SICK LEAVE SHALL BE CAUSE FOR DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL. See Attendance Policy below.

### **Absenteeism**

Absenteeism includes paid and unpaid sick leave, excused or unexcused absences whether paid or unpaid, or leaves of absence without pay. Chronic or excessive absence from work is cause for disciplinary action up to and including termination of employment (see N.J.A.C. 4A:2-2.2 and 4A:2-2.3.) This policy shall apply to all employees whether permanent or provisional, career service (classified), represented or non-represented.

### **Verification of Sick Leave/Absences**

Supervisors shall monitor sick leave usage/absenteeism of their employees. State Department of Personnel (Civil Service) procedures permit employers to require medical verification of sick leave usage at any time, regardless of the number of absences or sick days taken. However, as a practical matter, proof should be required only where suspicious circumstances are present and/or where earned sick leave has been exhausted and/or as described within this policy. An employee shall be required to submit acceptable medical evidence for the following:

- Any absence of five (5) or more consecutive working days.
- When absences during the calendar year reach a total of ten (10) workdays and consist of periods of less than 5 consecutive days.
- An employee currently suffering a catastrophic health condition or injury which necessitates the employee's recurring absences from work, may submit acceptable medical evidence for a maximum of *6 months* indicating the anticipated duration of the condition of injury. *Extensions of 6 month increments may be granted with the submission of acceptable medical evidence.*
- An employee who is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury, which necessitates the employee's recurring absences from work, may submit acceptable

medical evidence, disclosing the diagnosis and anticipated duration, for a maximum of 90 days. Extensions of a maximum of 30 days will be considered on a case-by-case basis. Unlike other medical evidence required, the medical evidence required for recurring absences *relating to an immediate family member's catastrophic health condition or injury*, shall indicate the nature, severity and anticipated duration of the disability.

Should an employee's absence render that employee eligible for Family and Medical Leave Act (the "Act") and/or New Jersey Family Leave ("FLA"), they will promptly be advised of same, and their leave designated under the protective provisions of the Act or FLA.

The County and its representatives retain the right to require acceptable medical evidence and/or initiate progressive discipline whenever there is reasonable cause to suspect abuse of sick leave. Supervisors may deny the use of sick leave for any valid reason and must advise the employee of the reason for such denial.

### **Medical Evidence of Absence**

To be considered as valid medical evidence, employees shall supply an original written certificate from a certified medical office that is legible and in English, that excuses the employee from work. Notes merely stating that the employee had an office visit are typically not acceptable. The medical note should ideally state whether or not the employee is able to report to work, and if the employee is unable to report to work, when the employee is expected to be able to return. Medical evidence provided for family members must clearly excuse the employee from work. The cost for this medical evidence shall be borne by the employee. The County does not require the doctor to reveal the employee's medical condition, nor does it relieve the employee of a reasonable obligation to notify the County of a potentially contagious condition, nor is the employee required to visit the doctor's office to obtain a note for potentially contagious condition if the employee has made other arrangements with the doctor's office.

Employees may voluntarily provide medical evidence at any time. To be considered as valid, voluntary medical evidence must adhere to the policy herein.

Employees who fail to supply an acceptable note when required by this policy shall have each undocumented absence listed as an unauthorized absence and is subject to a suspension without pay. Also, an employee who has exhausted his/her accumulated sick leave shall have each absence listed as either an authorized absence, which is a leave of absence without pay, or an unauthorized absence, which is a suspension without pay.

### **Management's Right to Require Medical Examination by County Physician**

Whether pursuant to the Family and Medical Leave Act or otherwise, the County may require an employee to be examined by a physician designated and compensated by the County as a condition of the employee's continuation of sick leave. If a physician should determine that the employee is able to return to work, but is not able to perform his/her regular duties, the Department

Administrator, shall determine what other type of work duties, if any, shall be assigned to such employee.

In the event an employee returning to work from sick leave is examined and a dispute ensues, the County agrees that the employee shall be able to submit the report to his/her physician and a third party neutral physician shall make a final recommendation. The cost of the third party neutral physician shall be shared equally between the employee and the County.

### **Exhausted Sick Leave**

N.J.A.C. 4A:6-1.3 Sick Leave (e) “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.”

Employees may inquire with the Office of Employee Services as about the County Donated Leave program, if and when they exhaust their paid sick leave and need additional leave, to determine if they meet the eligibility requirements for the County Donated Leave program.

Employees who shall have exhausted their sick leave and who fail to provide acceptable medical evidence when required shall be suspended, without pay, as outlined above and shall be subject to further disciplinary action up to and possibly including termination of employment.

### **New Employees**

Absent extenuating and demonstrated medical circumstances, a new employee who is absent or sick more than 3 times during their first 90 days of employment will be terminated.

A permanent employee who is serving a 90-day working test period who is sick or absent more than 3 times during the working test period will be terminated at the end of the working test period if no legitimate reasons are found, such as medical circumstances.

A permanent law enforcement employee serving a one-year working test period who is absent or sick more than 12 times during the working test period shall be terminated at the end of the working test period if no legitimate reasons are found (such as medical reasons).

### **Patterned Absenteeism**

An employee who has exhibited a pattern of absences, such as absences on Monday or Friday (or before and after “days off” in 24 hour facilities), payday, the day after payday, before or after holidays, weekends, vacations, or comp. time, or some other pattern that appears suspicious, shall be required to supply acceptable medical evidence justifying the absence.

An employee who has exhibited patterns of absences, without legitimate reasons, is subject to progressive discipline, i.e. warning, suspension, termination. After progressive discipline is initiated in these circumstances, employees may be required to supply medical evidence justifying absences for the next year.

## **Special Abuse Problems**

Management/supervisors always reserves discretion to require verification of sick leave use of any amount if abuse is suspected. Management/supervisors also retain discretion to impose progressive discipline for each sick time absence when abuse is established in instances other than noted in this policy.

Supervisors should contact the Office of Employee Services for assistance if there are employees who are routinely absent/sick more than 15 days per year, with or without medical evidence.

## **Discipline**

1. Employees who have been absent or on sick leave for more than 10 days a year consisting of periods of less than 5 consecutive days, without prior acceptable medical evidence must be given disciplinary notice. The notice requires employees to supply acceptable medical evidence for each absence in the next year.
2. Employees who have been absent on sick leave, either paid or unpaid, without acceptable medical evidence, more than 15 workdays each year in two or more consecutive calendar years, may be subject to further disciplinary action up to and possibly including termination of employment.

## **Sick Leave Sell Back**

Eligibility for Sick Leave Sell Back for non-represented employees ceased by Resolution on January 1, 2012, however, those employees who were eligible and active at the time this benefit was discontinued, have been grandfathered; please confer with Employee Services if you are eligible and would like to exercise this benefit. Employees hired after the date it was discontinued may not sell back sick time.

## **Donated Leave**

Employees covered by the Civil Service Act are eligible to participate in the “donated leave” program. Consult with Employee Services should you wish to be a recipient of donated leave, or donate your time to another.

## **Vacation Leave**

Full time non represented employees are granted vacation leave from the date of last hire of at least one day per month or 12 days in a full calendar year. Represented employees shall be granted vacation leave in accordance and/or if relevant, under the terms of the applicable collective bargaining agreement. Employees earn additional incremental days based on years of service and should consult the Office of Employee Services and/or collective bargaining agreement.

Employees should consult with the Office of Employee Services and/or their relevant collective bargaining agreement for confirmation of the precise number of days.

Employees shall submit requests for vacation times subject to collective bargaining agreement and Supervisor/Division/Department Heads vacation request requirements. Requests for leave time require advance notification in writing, the Supervisor shall answer the request in writing within five working days. The requested vacation shall be scheduled where practicable and may be on the basis of seniority.

The collective bargaining agreement and Supervisor/Division/Department Heads determine vacation request requirements including advance notice requirements.

Vacation days may be taken in one hour increments by full-time employees, and in thirty (30) minute increments for part-time employees, whole days or half days providing it is mutually agreed upon by the employee and the Supervisor.

The Supervisor has the right to deny the use of vacation time for any valid business reason.

Vacation Leave used may not be changed to sick leave thereafter. In the event of a serious illness or injury, a vacation period of 5 days or more not yet used may be cancelled, no later than 24 hours prior to use, and sick leave may be requested if accompanied by a physician's certificate.

Vacation allowances are to be taken during the current calendar year. If it cannot be taken, a **maximum** of one year's allotment may be automatically carried into the new year only in certain circumstances and with required pre-approval (N.J.A.C. 4A:6-1.2 (e)).

N.J.A.C. 4A:6-1.2 Vacation Leave (h) "An employee who exhausts all paid vacation leave in any one year shall not be credited with additional paid vacation leave until the beginning of the next calendar year."

Any employee whose service with the County terminates shall have earned unused vacation time paid to him/her or the employee's legal representative in the event of his/her death. An employee who has used more vacation time than s/he has earned at the time of severance, shall have an amount equal to his/her daily rate deducted from the final pay for each day used in excess (N.J.A.C. 4A:6-1.2(f) & (h)).

Elected Officials and their Deputies, Constitutional Officers and their Deputies, and/or Undersheriffs are eligible for benefit leave time as provided to them by statute.

## **Holidays**

The fifteen (15) legal holidays are:

|                                  |  |
|----------------------------------|--|
| New Year's Day, Jan 1            | Martin Luther King's Birthday, third Monday in Jan |
| Lincoln's Birthday, Feb 12       | Washington's Birthday, third Monday in Feb         |
| Good Friday                      | Memorial Day, last Monday in May                   |
| Juneteenth, third Friday in June | Independence Day, July 4                           |
| Labor Day, first Monday in Sep   | Columbus Day, second Monday in Oct                 |

Veteran's Day, Nov 11  
Day after Thanksgiving  
Christmas Day, Dec 25

Thanksgiving Day, fourth Thursday in Nov  
Christmas Eve, Dec 24

Please check your individual union agreement in the event Holidays differ  
The Day after Thanksgiving is recognized as a holiday in certain (not all) Union Agreements. Other holidays as declared by the County Commissioners, Governor or President are celebrated. As a general rule, when a holiday, as above, falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday. Employees working at a 24-hour facility, such as the Jail, may be scheduled to work on the observed holiday and will be scheduled for another day off in lieu of the holiday; to be eligible for holiday pay, an employee must work the last scheduled work-day before the holiday AND the first scheduled workday after the holiday.

### **Advancement of Unearned Benefit Leave Time**

An employee is required to work at least 30 days to earn one vacation day. Advancement of unearned sick, vacation, or personal leave is NOT allowed in the first **calendar** year of service, however, employees are permitted to use the time they earn. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with the full yearly allotment of their benefit leave time. If the Department/Division Head is aware there is a possibility the employee may not be working the entire calendar year due to termination, retirement, and/or leave of absence, advancement is restricted. If the employee leaves before the end of the year and has taken more time than they have earned, that advanced, unearned time, will be deducted from the employee's last paycheck.

No employee may be advanced more than the current year's allotment of benefit leave time. For example, an employee may not be advanced time to be granted in January of the following year, in December of the current year.

### **Bereavement Leave**

All full-time employees shall receive the following: (A) For the death of a spouse, domestic partner, civil union partner, parent, child or step-child up to five (5) working days of bereavement leave. The employee shall be allowed five (5) working days per incident. (B) For the death of a son-in-law, daughter-in-law, parent, stepparent, father-in-law, mother-in-law, brother, stepbrother, brother-in-law, sister, stepsister, sister-in-law, grandparents and grandchildren up to three (3) working days of bereavement leave. The employee shall be allowed three (3) working days per incident. (C) For the death of aunts and uncles up to one (1) working day of bereavement leave. The employee shall be allowed one (1) working day per incident. A spouse's grandparent is included in the definition of a grandparent. Such leave is separate and distinct from any other leave time.

Part time employees shall be allowed a pro rata share.

Should an employee need more bereavement time, it may be granted on a case-by-case basis and the employee may request to use either vacation time or sick leave (use of sick leave may be limited.)

This provision may differ slightly with the various Collective Bargaining Agreements; check the appropriate bargaining agreement.

## **Jury Duty**

Should an employee be obligated to serve as a juror, he/she shall lose no pay for the time spent as a juror. If the employee is excused from jury duty during working hours, he/she shall report to work.

Should an employee be subpoenaed to provide testimony on behalf of the County, they shall lose no pay for the time. If an employee must provide testimony, pursuant to subpoena or otherwise, for a personal matter unrelated to the County, they must use benefit leave time in order to be paid for the time.

## **Family and Medical Leave Act**

In accordance with the Family and Medical Leave Act of 1993 ("FMLA") County employees who have worked for the County for at least twelve (12) months and have worked at least 1,250 hours in the 12 months preceding the need to take leave, are eligible for a job protected leave of up to twelve (12) weeks over a 12-month period. The leave is not paid by the County; however, an employee may opt to have their benefit leave time run concurrent with FMLA leave. The period of eligibility for leave is based upon a "rolling" 12 month period measured on a "look back" basis to determine if there has been any prior FMLA leave usage in the prior 12 month period. Upon request of an employee, or upon the County becoming aware of the possibility of a leave of absence being eligible for FMLA coverage, the employee will be given notice of such eligibility and should they wish to apply for FMLA, the employee will be required to complete the appropriate paperwork as set forth below in order to qualify.

**The County must designate leave as FMLA leave even without an employee's request or the submission of a medical certification under circumstances in which it is clear that the reason for leave is qualified as eligible protected leave**

### **FMLA leave may be taken for the following purposes:**

1. The birth of an employee's child, or the placement of a child for adoption or foster care, for the care of or to bond with the child. This provision is applicable to both mothers and fathers and must be taken within twelve (12) months of the child's birth. If married individuals, as the term married is recognized in the State of New Jersey, are both employees of the County, leave is limited to twelve (12) weeks in the aggregate in any twelve (12) month period;
2. The care of the employee's immediate family member (spouse, child or parent), if that

family member has a serious health condition;

3. A serious health condition that renders the employee unable to perform their job.
4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty or has been notified of an impending call to become active in the Armed Forces.
5. The care of an injured or ill service member. Military leave.

This leave may extend up to 26 weeks in a 12-month period for an employee whose spouse, child, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform duties of the service member's office, grade, rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability or is retired.

Employees requesting FMLA leave for care of a service member must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks. See Military Family Leave Policy.

### **Terms and Definitions under the FMLA**

"Child" includes biological, adopted, and foster child, step-child, legal ward or a "child" of a person acting in the capacity of a parent.

"Parent" includes biological parents, as well as a person that acted in the capacity of a parent toward the employee. Siblings and in-laws are not covered by the FMLA.

"Serious health condition" means a mental or physical illness, injury, or impairment which involves inpatient (overnight) care at a medical care facility or continuing treatment by a health care provider. Additionally, an employee's serious health condition means the employee (or their family member as applicable) is unable to perform the functions of his or her job.

### **Availability of Intermittent or Reduced Schedule Leave**

It is not required that family/medical leave be taken all at one time. Intermittent leave (periodic) or reduced leave (less than the 12 weeks) can be taken if the employee or a covered family member has a serious health condition, provided intermittent or reduced leave is medically necessary. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period. Reduced leave is a schedule in which the weekly hours or hours per day are reduced. The County provides intermittent or reduced schedule leave in accordance with the FMLA, subject to the notice

requirements set forth in this policy.

**Intermittent or reduced leaves for illness require medical certifications that state:**

- The dates on which treatment is expected to be given and the duration of such treatment;
- A statement of the medical necessity for the intermittent or reduced leave schedule and the expected duration;
- Where applicable, a statement that an intermittent or reduced leave schedule is necessary to care for a covered family member or will assist in the recovery and the expected duration and schedule of the leave.

**Employee Notification Requirements**

1. An employee should give, when known, 30 days', but no less than two (2) weeks' advance notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Employee Services Office. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
2. If an employee fails to give notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
3. When requesting that leave be designated as intermittent leave, the need for intermittent leave must have been pre-authorized in advance through the completion of a medical certification and the employee must give as much advance notice of the intermittent leave as reasonably possible and at minimum, in accordance with any parameters set forth in the physician's certification.
4. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the County's operations.
5. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

**Employer Notification Requirements**

1. Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the County learns that leave may be needed for an FMLA-qualifying reason, the County will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.

2. Notice of Designation of Leave: Within five (5) days after the County receives the completed medical certification from an employee and/or otherwise becomes aware of a qualifying leave, the County will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the County will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the County will provide written notice of and reason for denial. In the instance the need for leave and that the leave qualifies is known at the same time, a Notice of Eligibility Rights and a Notice of Designation of Leave will be provided at the same time to the employee; within five (5) days of the County having knowledge.

### **Health Benefits while on Family Medical leave**

The County will pay health benefit costs for employees who are on family medical leave to the extent the County pays them for an active employee not on leave. Therefore, if applicable, employees must continue to pay their regular payroll deduction for their benefits while on leave.

If on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work. During periods of unpaid leave, the County will bill the employee monthly for payment of the employee's share of the premium.

### **Accrual of Leave Time while on FMLA leave**

Employees will accrue paid time off (i.e., administrative time, vacation time, sick time) while using accrued time toward FMLA leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

### **Return from FMLA leave**

Upon return from leave, the County will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the County cannot guarantee that an employee will be returned to his or her original position. The County will determine whether a position is an "equivalent position." All employees who take leave for their own serious medical conditions may be required to present a fitness-for-duty certification prior to being restored to employment.

### **Failing to Return upon Expiration of leave**

Unless the employee has been granted an ADA accommodation or additional unpaid leave time in accordance with this policy's provisions, an employee who fails to return to work upon the expiration of FMLA leave may be subject to termination. Upon exhaustion of the FMLA leave, employees will immediately lose health insurance coverage effective the last day of the month within which the employee resigned. Employees who do not continue their employment may

continue their health insurance coverage pursuant to COBRA at their own expense. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which entitled the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the County for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct a written request for an extension of leave to the Office of Employee Services as soon as they realize that they will not be able to return at the expiration of the leave.

### **Working for another employer while on Leave of Absences**

Employees shall not, during any period of FMLA leave, perform services for another employer for whom the employee did not provide those services immediately prior to commencement of the leave. To the extent other work is allowed while the employee is on FMLA leave, the employee must establish that the other work is not inconsistent with the need for leave with the County.

### **Other Leave Eligibility**

Employees may also be eligible for leave under the New Jersey Family Leave Act (NJFLA). Employees are eligible for NJFLA leave if they have worked for the County for at least (12) twelve months and they have worked at least 1,000 hours during the (12) twelve month period immediately preceding the start of the requested leave. NJFLA Leave may be taken for the following reasons:

- (1) The birth or adoption of a child; or
- (2) The serious health condition of a family member of the employee.

To the extent applicable, leave under the FMLA and the NJFLA will run concurrently, unless otherwise provided for by law. For example, if the employee requests leave for the birth of a child, such leave would be covered under both the FMLA and the NJFLA. The employee would therefore only be entitled to a total of 12 weeks of leave. If, however, the employee requests leave that is only covered by the FMLA, it shall not abridge the employee's right to request leave for reasons allowed under the NJFLA. This means that in certain limited circumstances, the employee may be entitled to up to twenty-four (24) weeks leave in a twelve (12) month period. For example, if the employee requests leave to care for his/her own serious health condition, such leave would only be covered by the FMLA. The employee could then request an additional 12 weeks for reasons allowed under the NJFLA, such as to care for a family member with a serious health condition.

A. **NJFLA Definition of a "Serious Health Condition":** An illness, injury, impairment or physical or mental condition that involves:

- (i) inpatient care in a hospital, hospice or residential medical care facility, or
- (ii) continuing treatment by a health care provider.

B. **NJFLA Definition of a "Child":** "Child" means a biological, adopted or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or a child of a civil union partner or a child who becomes a child of a parent pursuant to a written agreement between the parent and a gestational carrier.

C. **NJFLA Definition of a "Family Member":** A "Family Member" means a 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 whose close association with the employee is the equivalent of a family relationship.

In addition, if Workers' Compensation Leave is qualified leave pursuant to the FMLA, the time out on workers' compensation leave shall run concurrent with FMLA. For additional information, contact the Office of Employee Services.

In addition to the FMLA and NJFLA leaves associated with an employee's need for leave pursuant to this policy, in the event the employee's FMLA leave was designated by the County as a result of the County's knowledge, and not due to the employee's request, an additional unpaid leave of up to twelve (12) weeks will be provided by the County. The total amount of additional time consistent with the preceding sentence will be equal to the amount of paid leave taken concurrent with the FMLA.

If a leave of absence qualifies for either or both FMLA or NJFLA leaves, and (a) the employee has exhausted all the time permitted by those leaves, (b) has exhausted any additional unpaid leave set forth in the preceding paragraph (if applicable), and (c) has exhausted all of his/her paid benefit leave time and/or leave under the ADA is not applicable, then the employee may apply to the County for a reasonable amount of additional unpaid leave time such that the total amount of time of an employee's approved absence shall not exceed a maximum of twelve (12) months. This additional leave must be approved by formal action of the Board of County Commissioners.

In the instance an employee needs to take leave for the delivery of and bonding with her child, the employee may be eligible, without the need for Board approval, for a maximum of 12 months leave. In order to be eligible for this leave, the employee needs to be eligible for and take FMLA under the provisions of this policy, (with up to nine (9) additional months to follow thereafter) and the employee needs to have informed Employee Services of the need for said leave as soon as the employee has medical confirmation of the need.

## **Military Family Leave**

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

service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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

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

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

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

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

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

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

## **Military Leave**

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is called for active duty, the employee will be granted a military leave of absence for the duration of the service and for three (3) months after honorable discharge. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days for active duty and active duty training. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

A permanent employee who is a member of the organized reserves of the Army, Navy, Air Force or Marine Corps shall be entitled to a leave of absence with pay on days on which he/she is required to engage in *field training*, but only that training which consists of participation in unit training field operations and is a part of the required annual tour of duty in order to be a member of that component. Appointing Authorities may reschedule an employee's work time to avoid conflict with military field training. A non-permanent employee serving for one year or longer shall be entitled to a leave of absence with pay not to exceed 30 days in the aggregate in any one year while engaged in field training. A leave of absence without pay shall be granted to a non-permanent employee serving less than a year while engaged in field training.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave. After this period has expired, employees may continue coverage for themselves or their dependents by taking advantage of coverage under COBRA. Members of the State administered retirement systems (PERS and PFRS) will continue accruing credit in the system during the period of paid leave.

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

Military leaves of absence, with or without pay, shall be documented on the appropriate form. Clear and readable copies of orders shall be provided by the employee to the Department Head in advance of the requested Military Leave of Absence.

## **Domestic Violence Leave**

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

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

Please see Office of Employee Services to determine if your leave is eligible.

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

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the County for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice of the need for the leave. In addition, employees 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 County will treat the leave concurrently with the leave under those statutes. Employees also may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

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

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

## **Convention Leave**

In accordance with N.J.S.A. 38:23-2 Leave of Absence to attend state or national conventions, a duly authorized representative/employee is entitled to a leave of absence with pay to attend state or national conventions for:

Grand Army of the Republic  
United Spanish-American War Veterans  
Disabled American Veterans  
Disabled American Veterans Auxiliary  
Veterans of Foreign Wars  
Ladies Auxiliaries of Veterans of Foreign Wars  
Ladies Auxiliary, Veterans of World War I of the U.S.A.  
American Gold Star Mothers  
Indian war Veterans  
American Legion  
American Legion Auxiliary  
Jewish War Veterans of the United States  
Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A.  
Catholic War Veterans of the United States  
Ladies Auxiliary of New Jersey State Department, Catholic War Veterans  
The 369<sup>th</sup> Veterans Associations, Incorporated  
Women's Overseas Service League  
American Veterans World War II, Korea and Vietnam, AMVETS  
Ladies Auxiliary, American Veterans World War II  
Reserve Officers Association of the United States  
Marine Corps League of the United States  
Army and Navy Legion of Valor  
Twenty-ninth Division Association  
Council of State Employees  
War Veteran Public Employees Association  
New Jersey Civil Service Association  
Blind Veterans Association of New Jersey  
Army and Air National Guard Association of New Jersey  
The National Guard Association of the United States  
The United States Coast Guard Auxiliary, Navy League  
Veterans of World War I of the United States of America  
Polish Legion of American Veterans  
Polish Legion of America, Veterans, Ladies Auxiliary  
Italian American War Veterans of the United States, Incorporated  
Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated  
New Jersey Firemen's Association

New Jersey State Exempt Firemen's Association  
Tuskegee Airmen, Incorporated

A certificate of attendance to the State convention or encampment shall be submitted by the representative so attending.

Leave of Absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than 5 days leave of absence with pay each calendar year for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be cancelled at the end of any given year.

Leaves of absence to attend State or National Conventions, with or without pay, shall be documented on the appropriate NJDOP profile form. The date of return to work from a leave of absence shall be the actual first working day.

### **Personal Leave of Absence**

Requests for personal leaves of absence are permitted on a case-by-case basis. For leaves of absence related to medical issues see the County's Family and Medical Leave policy. The County of Sussex does not grant personal leaves of absence to employees pursuing other employment.

### **Personal Leave Days**

Full time employees shall receive three (3) personal leave days per year for personal business. New employees starting after January 1 shall receive a pro rata allotment. Personal leave may be taken on an hourly basis, and/or as either a full day or a half day (some union contracts permit usage in 1/4 day increments, non-represented are permitted to use hourly, 1/4 or 1/2 day increments. Check the union contract.)

An employee must give at least 24 hours' notice, where possible, before requesting a personal day. The Supervisor may deny the use of a personal day for a valid reason such as continuity of business needs.

Personal leave is not accumulated from year to year. A terminating employee shall not be paid for personal leave. An employee who has used more personal leave that he/she is entitled shall have an amount equal to the excess used deducted from his/her last paycheck. See Union Agreement for more details.

### **Short Term Leaves of Absence**

Civil Service rules require the County to document an absence on a regular work-day with ONE of the following:

- (a) Approved for paid benefit leave time, i.e. vacation day, sick day, personal leave, etc.

- (b) Approved, by the insurance carrier, for workers' compensation leave and compensated by a check from the insurance carrier or as described by the union contract.
- (c) Suspended, without pay, for disciplinary reasons.
- (d) Approved for Leave of Absence, for qualifying reasons, without pay.

For the above reasons, any unapproved, unauthorized absence is a suspension, without pay, and shall be documented on the appropriate form. Any approved non-workers' compensation leave, without pay, of one day or greater is documented as a Leave of Absence on the appropriate profile form.

### **All Leave of Absence, Official Approval Required**

An approved Leave of Absence is official when the appropriate NJDOP (Civil Service) profile form, if Civil Service is applicable, is signed by the employee, the Department Head, and the Appointing Authority.

### **Leaves of Absence and Benefits**

The County does not require an employee to use their benefit leave time prior to requesting a leave of absence, without pay.

If the leave of absence is for medical reasons and the employee intends to apply for State Disability benefits, the State Disability requires that all earned sick leave be used first to be eligible for benefits. If an employee wishes to use earned sick leave, he/she must provide a medical certificate.

Before a leave of absence is granted, the employee must sign the "Acknowledgement of Benefits Cost" form.

An employee granted a personal leave of absence shall be entitled to continue their health insurance coverage at their expense in accordance with applicable laws.

The health insurance of County employees who cease coverage will terminate at the end of the month in which the leave begins, or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave.

If the leave of absence is for the employee's medical reasons or in accordance with State and Federal Family Leave Act, the County will pay for coverage for health benefits (excluding the employee's share of HMO), dental, and prescription. If the leave of absence is for personal reasons, the County does not pay the premiums for the health insurances.

Employees may contribute to the pension system while on leave of absence due to illness for up to two years or for FMLA due to the birth or adoption of a child for up to 12 weeks. Employees

must contact the State of New Jersey, Division of Pensions, CN 295, Trenton, NJ 08625, directly for that information. The employee is responsible for sending a copy of the approved Leave of Absence form to the Division of Pensions.

Contributory Life Insurance may be continued for up to two years due to illness and up to 90 days for other reasons. No contributions are required. Employees are responsible for sending a copy of the approved State Department of Personnel form to the Division of Pensions to continue the Life Insurance.

Employees on leave of absence shall not accumulate or be eligible for vacations, sick leave, personal leave or holidays. Benefit leave time allotments, longevity, and seniority will be affected by this leave of absence.

If taking a leave of absence for MEDICAL reasons and applying for the New Jersey State Temporary Disability Insurance, contact the Employment Office in Newton or Sussex County Employee Services for the proper form. The form must be completed by the employee, the physician, and the County before it is mailed to Trenton.

For more information, refer to the booklets printed by the NJ Division of Pensions: “New Jersey State Health Benefits”, “Public Employment in New Jersey”, “Group Life Insurance Plan”, the union agreement, or Personnel, (973) 579-0350.

## **New Jersey Family Leave Insurance Program-Bonding Leave**

The NJFLI provides for up to twelve (12) weeks of benefits in a twelve (12) month period to employees who would otherwise suffer wage loss as a result of the need to participate in providing care for a family member with a serious health condition, to bond with a newborn or newly adopted child, or to assist a covered family member who is a victim of domestic or sexual violence. The program provides eligible individuals a monetary benefit but not an additional leave. Payments are made from the pool of monies collected through a mandatory payroll deduction. The County is not responsible for any payments made or applications denied by the New Jersey Department of Labor (DOL).

### **Definitions**

For the purposes of this Policy, “family member” and “child” shall be as defined in the FLA policy herein.

### **Eligibility**

To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the fifty two (52) weeks preceding the requested leave, or have earned at least 1,000 times the minimum wage. For more specific information please contact the DOL.

NJFLI benefits to bond with a child may be granted only during the first twelve (12) months after the child's birth (if the employee is the child's biological parent) or placement (if the child was adopted).

### **Benefits**

The weekly benefit is 2/3 of employee's weekly salary up to a maximum of \$615.00 per week (for leave commencing on or after January 1, 2016) or \$633.00 per week (for leave beginning on or after January 1, 2017) for up to six (6) weeks. The maximum benefit rate is subject to adjustment by the New Jersey Department of Labor.<sup>1</sup>

An employee cannot receive simultaneous disability benefits under this program while also receiving any other disability benefit or unemployment compensation.

### **Application Process**

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. Applicable forms are available from the DOL. Employees may contact customer service for this program at 609-292-7060 or contact the County's Office of Employee Services with related questions.

An employee who intends to apply for benefits to bond with a child must provide written notice at least thirty (30) calendar days prior to beginning the leave, unless the need for leave is unexpected or changes due to unforeseen circumstances. Failure to provide this thirty-day notice may result in a fourteen (14) day reduction in the employee's maximum Family Leave Insurance benefits. An employee who intends to apply for benefits for intermittent leave must provide written notice at least fifteen (15) calendar days prior to beginning the leave.

## **SECTION FOUR**

### **Compensation and Employee Benefits**

#### **Scope**

These policies cover non-union employees. They also cover union employees to the extent that the collective bargaining agreement does not.

#### **Pay and Wages**

Wages and pay raises for most Career Service (classified) employees are based upon the agreement between the County and the Union. Copies of union contracts are available from the Union. Wages and pay raises for non-represented employees are determined by the Board of County Commissioners.

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<sup>1</sup> Effective July 1, 2020, the period of paid leave shall be up to 12 weeks and the maximum benefit payable shall be \$859 per week.

Section 1: Beginning July 1, 2002, all employees shall be paid on a semi-monthly basis. There shall be two payroll periods in each month. The first semi-monthly pay period will be defined as the First (1<sup>st</sup>) of the month through the Fifteenth (15<sup>th</sup>) of the month. The second semi-monthly pay period will be the Sixteenth (16<sup>th</sup>) of the month through the last day of the month.

Section 2: In every year, annual salaries are divided by 1827 hours for 35 hours per week employees and 2088 for 40 hours per week employees to determine the hourly rate. Likewise, annual salaries are divided by 261 workdays to determine the daily rate of pay.

Section 3: All payroll payments shall be made via electronic deposit to account(s) specified by the employee in accordance with the provisions of Section 1 of P.L. 1981.c.385 (C52:14-15a).

Employees will be paid via Direct Deposit. Payroll issues should be discussed with the employee's supervisor and the designated payroll clerk.

## **Overtime Compensation**

Under the Federal Fair Labor Standards Act (FLSA), certain employees in managerial, supervisory, administrative, professional positions are exempt from the provisions of the Act. The Office of Employee Services 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 without additional compensation.

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 Supervisor. Non-exempt employees working overtime without prior approval will be subject to disciplinary action.

Except as otherwise provided in a collective negotiation agreement, overtime compensation shall commence only after the employee has worked over forty (40) hours in the workweek for which overtime compensation is sought and for which the supervisor pre-approved.

## **Compensatory Time Policy**

The County agrees to adhere to the collective bargaining agreements for overtime and/or compensatory time off in lieu of overtime and when pre-approved by the supervisor. Should discrepancies between this policy and the collective bargaining agreements occur, the collective bargaining agreements shall prevail for represented employees. The use of compensatory time off in lieu of overtime payment shall be limited to emergency situations or when budget appropriations are expended.

## **Health Insurance**

Eligible employees and their immediate family members, including civil union partner, are eligible for enrollment in health insurance coverage as determined by the terms of an applicable collective bargaining agreement or by the County for non-represented employees. All eligible employees shall be required to contribute a portion of the health insurance premium paid by the County for medical health insurance.

The County reserves the right to change provider networks, claims, agents and insurance mechanisms (e.g., fully insured versus health insurance fund). The complete benefit plan is on file in the Office of Employee Services and a Summary Plan Description will be provided to all employees. Benefit levels for non-represented employees are subject to change at the discretion of the County.

Coverage shall begin after two (2) months of employment for health and prescription benefits and the first of the month after two (2) months of employment for dental benefits providing that the proper application is completed and filed timely with the Office of Employee Services.

The County shall maintain an employee's medical insurance prescription and/or dental premiums for an employee on family or medical leave of absence for the duration of the leave; however, the employee is responsible for paying the applicable contributions during the leave or upon return from the leave and provided the employee supplies the County with medical evidence justifying the leave request. Thereafter, the employee shall be entitled to continue their coverage in accordance with applicable laws and contributions.

An employee granted a personal leave of absence shall be entitled to continue their health insurance coverage at their expense in accordance with applicable laws.

The health insurance of County employees who cease coverage will terminate at the end of the month in which the leave begins, or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave.

Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Consolidated Omnibus Budget Reconciliation Act of 1986 ("COBRA") provision for a period of up to eighteen months to thirty-six months. All newly hired employees and their spouses shall receive a notice of COBRA rights upon being hired. For more information, consult the designated payroll clerk.

## **Drug Prescription Benefit**

For eligible employees, the County provides prescription drug benefits.

The program includes coverage for the eligible employee and immediate family members. All members shall be required to contribute a portion of the health insurance premium paid by the

County for medical health insurance. Enrollment shall begin after two months of employment or eligibility.

## **Additional Benefits**

Supplemental benefit programs may be available at an additional cost to the employee. The Office of Employee Services or the Employee Benefits Clerk will provide to the employee as applicable.

## **Dental Benefits**

Eligible employees are eligible for the County's dental program. The plan includes coverage for employees and eligible immediate family members; the employee contributes a portion of the health insurance premium paid by the County for medical health insurance.

The County will offer additional plans, for which the premium costs resulting from these plans shall be borne by the employee or under the provisions of an applicable bargaining agreement.

The minimum number of hours worked for eligibility for dental benefits will increase from 25 per week to 35 per week effective January 1, 2008, and those eligible prior to January 1, 2008, but after March 1, 1996, will continue to be eligible unless their hours decrease to less than 25 per week; Employees eligible prior to March 1, 1996, will continue to be eligible until or unless their hours decrease to less than 20 per week; current employees ineligible for participation in the Horizon Blue Cross/Blue Shield of New Jersey Program (i.e., those who work less than 25 hours) will continue to be ineligible for coverage in the program unless or until their hours are increased to at least 35 hours per week.

## **Prescription Eye Glasses Benefit**

Eye examinations may be covered under the applicable health insurance plan or a supplemental coverage can be purchased for hardware and eye examinations. Reimbursements for hardware may be applicable either under the appropriate CBA, medical insurance plan or through the purchase of a supplemental coverage. Please contact the office of employee services for additional information.

## **Deferred Compensation**

As allowed under the State of New Jersey Public Employment Retirement System policies.

## **Retirement**

Under State law, all County employees must enroll in the New Jersey Public Employees Retirement System (PERS), the New Jersey Police and Firemen's Retirement System (PFRS) or the Defined Contribution Retirement Program (DCRP) depending on the employee's age. The employee's contribution to PERS 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 PERS

may retire in accordance with PERS' established procedures. PERS requests six months' advance notice to process an employee's retirement application. In addition, written notice of intent to retire must be provided to the Office of Employee Services so that the County can verify your employment and intention to retire to PERS. Written notice to the County Administrator should be provided no later than ninety (90) working days prior to the anticipated retirement date whenever possible. *Failure to provide written notice to the Office of Employee Services in a timely manner will delay the processing of your retirement application.*

In order to maintain efficient operations, the County needs to promptly solicit and appoint qualified replacements for retiring employees as expeditiously as possible. The submission of notice to the Office of Employee Services of intent to retire shall therefore be deemed final and irrevocable unless the Office of Employee Services, based on the unique specific facts and circumstances of a given case, deems it to be within the best interests of the County to allow the employee to remain employed by the County.

## **Payment of Sick Leave Upon Separation**

An eligible employee who resigns in good standing shall be paid for accumulated sick leave. Employees may contact Office of Employee Services to determine eligibility.

Eligible Employees who are terminated for disciplinary reasons or employees who fail to provide the appropriate 14 days' notice of resignation, are not eligible to be paid for sick leave. Eligible Employees planning to **RETIRE** should refer to the collective bargaining agreement for further details of payment of sick leave upon retirement.

Any employee who has given the necessary notice of intent to terminate and who uses sick leave between the date of notice and actual last working day, shall be asked to provide the County with a medical certificate for the sick leave used. If the employee is unable to provide such medical evidence, he/she shall not be paid for the sick time and it shall be considered an unauthorized absence as a suspension, without pay.

## **Workers' Compensation**

Employees who suffer job related injuries and illnesses may be entitled to compensation for their medical expenses, lost income and other compensation under the New Jersey Workers' Compensation Act. The County covers workers' compensation benefits through its membership in the Statewide Insurance Fund. Any occupational injury or illness must be immediately reported to the supervisor or Office of Employee Services. All required medical treatment must be performed by a Workers' Compensation physician appointed by the New Jersey Utilities Joint Insurance Fund and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Employees must report any suspected work related accident or occupational illness to the County as soon as they are able to do so and preferably within twenty four (24) hours, however, employees

should not delay treatment and seek immediate medical care in the event of an emergency. Employees should not use their medical benefits card for a suspected work related accident or occupational illness unless it is an emergency. Employees must also advise the doctor and/or hospital that the injury/exposure may be work related. Failure to promptly report an accident or occupational illness may delay the receipt of workers' compensation benefit and may lead to discipline. Workers' compensation leave will run concurrently with leave under the Family and Medical leave for eligible employees. Employees may also be required to return to a light duty position if they are not medically released for full duty.

## **Tuition Reimbursement**

Subject to sufficient funds in the budget and upon approval of the department supervisor and the Office of Employee Services, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's job. The County may reimburse active, full time, permanent, employees a portion of the costs for tuition and registration after other financial aid (i.e. GI Bill, etc.) has been applied. For both represented employees and non-represented employees, the rate of reimbursement is based on the grade received.

Upon attainment of a grade of "A" - 100%

Upon attainment of a grade of "B" - 50%

Upon attainment of a grade of "C" - 25%

The course must be job related and must be attended on the employee's own time at an accredited institution approved by Employee Services. Preference is given to new applicants. It is not the purpose of the Tuition Reimbursement Program to underwrite degrees or certificate programs but rather to reimburse employees on a course-by-course basis. An employee must pass the course with a minimum passing grade of "C" or satisfactory completion. When appropriation funds are expended, no further reimbursements will be made.

Employees must fill out all appropriate forms, available in the Office of Employee Services, in order to request reimbursement. An interested employee must submit a written request for approvals and authorization prior to registration for course work (TR-1). Tuition reimbursement forms are available through the Office of Employee Services. The request must be presented to the employee's department head for initial approval and the Employee Services Director for final approval and authorization. An employee will be notified of the eligibility or reason for ineligibility of his/her application. Within four (4) weeks after completion of the course work, the employee must submit to the Employee Services Director, via his/her department head, the Certification of Successful Completion of Course Work (TR-2) for processing and reimbursement. This form, which must be submitted by the employee to the accredited institution for certification as evidence of successful completion and expenses, is available from the Office of Employee Services.

## **Additional Reimbursable Expenses**

Employees may also be eligible for reimbursement for meal and mileage expenses. Employees should contact the Office of Employee Services for eligibility.