

TOWNSHIP OF ROCHELLE PARK

ORDINANCE NO. 1068-14

**AN ORDINANCE TO AMEND CHAPTER
27 OF THE CODE OF THE TOWNSHIP
OF ROCHELLE PARK ENTITLED
“PERSONNEL POLICIES”**

WHEREAS, Chapter 27 of the Code of the Township of Rochelle Park has codified the Personnel policies which are applicable to employees within the Township; and

WHEREAS, the Township Administrator, Township Attorney and Municipality’s insurance carriers have reviewed the Ordinance and have proposed certain modifications to the same; and

WHEREAS, the Joint Insurance Fund has made certain specific requests for modification which are also incorporated herein.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Committee of the Township of Rochelle Park, County of Bergen, State of New Jersey as follows:

SECTION ONE: All references to **CIVIL SERVICE** rules, regulations or statutes are hereby deleted in their entirety as the Township of Rochelle Park is not a Civil Service Municipality.

SECTION TWO: Section 27-32 entitled “Use of Vehicles” is hereby deleted and replaced with the following:

A. Unless an employee receives permission from the Administrator, Vehicles owned by the Township of Rochelle Park shall only be used on official business and all passengers must be on official Municipal business.

B. Vehicles may be taken home only with the advanced approval of the Administrator except the Mayor may also grant temporary approval to facilitate responses to after hours emergency calls. When an employee takes home a vehicle owned by the Municipality, it shall be used only for official Municipal business; any other use is not permitted. At no

time shall children be in the Township of Rochelle Park vehicle while responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

SECTION THREE: Section 27-34 entitled “Email, voice mail and internet usage” is hereby deleted in its entirety and replaced with the following which shall be entitled : **COMMUNICATION MEDIA POLICY**

The Township’s Communication Media are the property of the Township 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 Township, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

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

The Township respects the individual privacy of its employees. However, employee communications transmitted by the Township’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 Township. The Township reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township’s Communication Media. By using the Township’s equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township personnel. The existence of passwords does not restrict or eliminate the Township’s ability or right to access electronic communications. However, the Township cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Township are required to use the

assigned municipal email account for ALL Township business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited.

Employees can only use the Township's Communication Media for legitimate business purposes. Employees may not use Township's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township 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.

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

All employees may access only data for which the Township has given permission. All employees must take appropriate actions to ensure that Township 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.

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 Township's computing environment.

Employees may not install or Modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. 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.

The Township encourages employees to share information with co-workers and with those outside the Township for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the Township. Social media provide inexpensive, informal

and timely ways to participate in an exchange of ideas and information. 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. Employees may engage in social media activity during work time through the use of the Township's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

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Employees must not reveal or publicize confidential Township 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.

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 Township'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 Administrator. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township. 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 Township's Communication Media. If such situation occurs, employee agrees that any images belong to the Township and agree to release the image to the Township and ensure its permanent deletion from media device upon direction from the Township.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Township or on behalf of the Township, whether through the use of the Township's Communication Media or otherwise, may be issued unless it has first been approved by the Administrator of the Township. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Township.

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

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

Employees must respect the laws regarding copyrights, trademarks, rights of public Township and other third-party rights. Any use of the Township's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township, 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.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Township's employees, or if they discuss matters related to the Township on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Township, and the employee is expressing only their 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." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Township or the Township's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Township policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Nothing in these policies is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. Township employees have the right to engage in or refrain from such activities.

VIDEO SURVEILLANCE

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

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

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

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

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that (insert contact of the local unit type) are immediately informed of such breach.

SECTION FOUR: Section 27-39(A) is amended to delete the following:

If an employee is attending to an immediate family member, a doctor's verification of that individual is required.

SECTION FIVE: Section 27-39 entitled “Sick Leave” is amended to add the following:

C. In the event that an employee is absent on sick leave on the day before or the day after a paid holiday, a doctor’s verification shall be required.

SECTION SIX: Section 27-43 entitled “Family and Medical Leave Act Policy” is deleted in its entirety and replaced with the following sections which will be entitled “**FAMILY AND MEDICAL LEAVE ACT POLICY AND DOMESTIC VIOLENCE POLICY**”

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act (“FLA”). In order to be eligible for such leave, employees must have: one (1) year of service with [the local unit type]; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve weeks can be requested, but medical verification of the need must be

submitted prior to the expiration of the leave. The Township reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the (Personnel Administrator title).

Commencing July 1 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Township with 15 days notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Township with a regular schedule of days for intermittent 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 servicemember in the

line of duty on active duty that may render the servicemember 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 servicemember unable to perform the duties of the servicemember'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 employer'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 an employer'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 an employer'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.

DOMESTIC VIOLENCE LEAVE

The New Jersey Security and Financial Entitlement Act, also known as the "NJ 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:

- 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.

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 employer 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 can not be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

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

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

SECTION SIX: Section 27-51 (C) is hereby deleted in its entirety and replaced with the following:

Upon receipt of notice of an employee's retirement, the employee and the Township shall enter into an Agreement which shall provide for the payment and other entitlements described in this section.

The Township Committee may provide, upon retirement, payment not exceeding six (6) months salary for any employee hired prior to _____ as the same was previously provided in prior personnel policies.

SECTION SEVEN: The following is hereby added to Section 27-52 entitled "**WORKER'S COMPENSATION**"

Unless explicitly provided for, in a Collective Bargaining Agreement, the Township will only pay, either directly or through its Workers Compensation Insurer, those benefits that are specifically provided for under the Worker's Compensation Act and will not supplement these benefits with any additional benefits.

SECTION EIGHT: Section 27-56 is hereby added and shall be entitled "**TIME SHEETS**"

Non-exempt employees are required to accurately record their worktime on the designated time record, sign it and return it to his/her supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time and holiday time on the designated time record. Non exempt and exempt employees should turn the time record in to his/her supervisor.

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

SECTION NINE: The following is hereby added as Section 27-57 and shall be entitled "**PAYMENT FOR ACCUMULATED ABSENCE**"

To the extent that a local ordinance, Collective Bargaining Agreement or an Employment Agreement provides for the payment of compensation for pay while absent for work, the Township shall only make such payment if the Chief Financial Officer or Township Administrator certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation shall include:

- A copy of the Agreement, Ordinance and/or Resolution
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees for absences from work.

SECTION TEN: Section 27-57(F) is amended to add the following as F(a):

The Township Administrator shall have the discretion to select the newspaper or other periodical for the advertisement provided, however, that the Administrator utilizes No. 3 and 4 above as well as at least one (1) of the methods described in [1, 2 or 5] above.

SECTION ELEVEN: Section 27-57(K) is amended to add the following:

4. Summer camp counselors

SECTION TWELVE: Section 27-61 entitled “**INITIAL EMPLOYMENT PERIOD**” is hereby deleted in its entirety and replaced with the following:

Except where state requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less than six (6) months, as determined by the administrator. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation (see performance evaluation procedure set forth in Section 27-63). New employees may be discharged at any time during this period if the administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Administrator may extend the initial employment period. (Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period).

SECTION THIRTEEN: Repealer:

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION FOURTEEN: Severability:

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance, but shall be confined in its effects to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION FIFTEEN: Effective Date:

This Ordinance shall take effect immediately upon final adoption and publication and in the manner provided by law.

ATTEST:

VIRGINIA DE MARIA,
Municipal Clerk

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