

DRAFT



PRINCETON

Personnel Manual

Adopted: 2013

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## TABLE OF CONTENTS

### CHAPTER I OBJECTIVES, SCOPE AND DEFINITIONS

Adoption and Amendment  
Purpose  
Relationship to Statutes, Ordinances, Rules Regulations and Agreements  
Amendments  
Definitions

### CHAPTER II EQUAL EMPLOYMENT OPPORTUNITY/ANTI-DISCRIMINATION

Anti-Discrimination Policy  
Americans with Disabilities Act Policy  
Contagious or Life Threatening Illness Policy  
Whistle Blower Policy (Conscientious Employee Protection Act)  
Employee Complaint Policy

### CHAPTER III ORGANIZATION AND DELEGATION OF AUTHORITY

Purpose  
Responsibility and Authority

### CHAPTER IV EMPLOYEE ORIENTATION

Policy  
Orientation Procedure

### CHAPTER V **PERSONNEL ACTIONS**

Purpose and Definition  
Appointment  
Promotion  
Probation  
Re-employment  
Transfer  
Workforce Reduction Policy (Layoff & Recall)  
NJ Residency Requirements

CHAPTER VI  
EMPLOYEE COMPENSATION

Annual Salary Resolution  
Overtime Compensation

CHAPTER VII  
**EMPLOYEE BENEFITS**

Purpose  
Administrative Authority and Responsibility  
Medical Insurance Plans  
Personal Leave  
Sick Leave  
Family Leave  
Workers Compensation  
Holidays  
Vacation  
Training and Continuing Education  
Conventions, Conferences and Seminars  
Travel Expenses  
Non-resident Benefits  
Longevity  
Service Awards  
Employee Assistance Program

CHAPTER VIII  
PERFORMANCE EVALUATIONS

Purpose  
Periods of Evaluation  
Performance Evaluation  
Evaluation Procedure  
Job Description Policy

CHAPTER IX  
EMPLOYEE DEVELOPMENT

Purpose  
Administration

CHAPTER X  
EMPLOYEE ASSOCIATIONS

Policy  
Form of Agreements  
Provisions of Manual Remain in Effect  
Association Activities

CHAPTER XI  
EMPLOYEE WORK RULES AND STANDARDS

Purpose  
Administrative Responsibility  
Employee Work Rules  
Drug and Alcohol Policy  
System Privacy (including Email, voice mail and Internet usage)  
Disciplinary Action  
Policy Against Harassment  
***P48 insertion of final COI policy***

CHAPTER XII  
DISCIPLINARY ACTION

Policy

CHAPTER XIII  
EMPLOYEE GRIEVANCE

Grievance Policy

CHAPTER XIV  
**SEPARATION FROM PRINCETON SERVICE**

Purpose  
Resignation Policy  
Voluntary Separations  
Involuntary Separations  
Payroll Settlements  
Performance Evaluation  
Notification of Mailing Address  
Refund of Pension Contributions  
Benefits Continuation  
Vacancies  
Retirement

CHAPTER XV  
TRANSACTIONS AND RECORDS MANAGEMENT

Purpose  
Access to Personnel Files  
Requests for Employment Verification and Reference Procedure

## CHAPTER 1

### OBJECTIVES, SCOPE AND DEFINITIONS

#### **101 Adoption and Amendment.**

The following policies and procedures are adopted and may be amended by resolution of the Council.

#### **102 Purpose.**

It is the policy of Princeton to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of Princeton shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers, Department Heads and Management Staff, other than those by statute appointed by the governing body, shall be appointed and promoted by the Administrator. No person shall be employed or promoted unless there exists a position created by an ordinance/resolution adopted by Princeton as well as the necessary budget appropriation and salary ordinance/resolution.

The Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. Princeton has appointed the Human Resources Manager to assist the Administrator implement personnel practices. The Administrator and the Human Resources Manager shall also have access to the Employment Attorney appointed by Princeton for guidance in personnel matters.

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

The Personnel Policies and Procedures Manual adopted by Princeton is intended to provide guidelines covering public service by Princeton employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Princeton personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of Council.

Certain provisions within the policy reference confidentiality. It is the intent of all of the regulations contained within the PPM to protect within the limits of the law the confidentiality of items such as medical and workers comp claims of individual employees.

To the maximum extent permitted by law, the employment practices of Princeton shall operate under the legal doctrine known, as “employment at will.” Subject to Federal and State law, and any applicable bargaining unit agreement, Princeton shall have the right to terminate an employee at any time and for any reason, with or without notice. Princeton shall comply with all applicable Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

### **103 Relationship to Statutes, Ordinances, Rules, Regulations and Agreements**

This manual includes a compilation of the policies and procedures which govern and affect personnel administration for all departments within the jurisdiction of Princeton, except to the extent that state or federal statutes, rules or regulations, or town ordinances and regulations adopted pursuant thereto, or contractual agreements entered into by the town, otherwise provide; and to that extent the provisions of said statutes, ordinances, rules, regulations and agreements shall prevail.

### **104 Amendments.**

Amendments to this manual of personnel policies and procedures may be made from time to time by action of Council after consultation with the Administrator and upper management staff as appropriate. The manual and copies of amendments thereto shall be distributed to Department Heads, who are responsible for insuring that all departmental employees receive copies of the same. Employees shall be responsible for attaching all such amendments to their copies of the personnel manual.

### **105 Definitions.**

For the purpose of this manual, it is necessary to define the meaning of certain terms used throughout the manual which are not specifically defined in subsequent Chapters. The following terms shall be construed as follows:

#### **105.1 Anniversary Date.**

The effective date of an employee’s initial appointment to permanent, continuous Princeton Service. In the case of re-employment after a break in service, previous service shall not be considered in determining eligibility for employee benefits. This also excludes temporary or seasonal employment.

#### **105.2 Departments and Divisions.**

An agency, office or operational unit of the town consisting of one or more municipal employees. The following units are designated as departments or Divisions:

- Administration
- Affordable Housing
- Board of Health/health
- Building/Construction Code Enforcement
- Corner House
- Emergency Services
- Engineering
- Finance Administration
- Fire Department
- Fire Prevention
- Historic Preservation
- Human Services
- Information Technology
- Municipal Clerk
- Municipal Court
- Planning
- Police
- Public Works
- Recreation
- Sewer Operating Committee
- Tax Assessment
- Zoning

### 105.3 Department Heads

Municipal Departments will be overseen by Department Heads who are appointed by the Administrator or Princeton Council. Department Heads may oversee multiple departments and will be direct reports to the Administrator. Department Heads will be responsible for overall management of assigned departments and staff.

The following positions shall be considered Department Heads:

- Administrator
- Deputy Administrator
- Chief of Police
- Corner House Executive Director
- Director of Engineering
- Director of Finance
- Director of Infrastructure and Operations
- Director of Health and Social Services
- Director of Recreation
- Municipal Clerk

#### 105.4 Management Staff.

Each Department will be overseen by a municipal official with designated responsibility for the operation of the department. Management Staff shall be responsible for ensuring that work performed by employees in their respective departments is conducted efficiently and economically, and shall ensure that all rules and regulations are complied with within their respective departments. Management Staff will be direct reports to Department Heads.

The following positions shall be considered Management Staff:

- Affordable Housing Coordinator
- Assistant Municipal Engineer
- Chief Financial Officer
- Chief Information Officer
- Construction Official
- Corner House Executive Director
- Court Administrator
- Director of Emergency Services
- Fire Official
- Health Officer
- Historic Preservation Officer
- Human Services Director
- Planning Director
- Public Works Director
- Public Works Assistant Superintendent
- Suzanne Patterson Senior Center Director
- Tax Assessor
- Zoning Officer

#### 105.5 Assistant Department Heads.

A Princeton official designated as the Assistant Department Head and responsible for the operation of a Princeton department, with the same authority and responsibility as the Department Head, when the Department Head is absent for a continuous period exceeding forty-eight (48) hours. The following positions shall be considered Assistant Department Heads. Other positions may be utilized for the purpose of long-term replacement either at the discretion of the Administrator and/or if superseded by code requirements:

- Assistant Recreation Director
- Assistant Municipal Engineer
- Deputy Court Administrator
- Deputy Municipal Clerk
- Police Captain

#### 105.6 Supervisor.

An employee to who has been delegated the responsibility and authority to direct the activities of a specified unit of department employees, either by a Department Head or Administration, to address their grievances and problems if possible, and to recommend necessary personnel actions affecting them.

#### 105.7 Employee.

An individual who is appointed to a paid position authorized in the current operating budget and who is paid through the municipal payroll.

Full-Time Employee. An employee who is appointed to a position of continuing duration, who has served the requisite probationary period, and who regularly works at least 35 to 40 hours per week, as appropriate, for his or her department or operating unit.

Part-Time Employee. An employee who is appointed to a position of regular continuing duration with a set schedule and hours, who has satisfactorily completed the requisite probationary period, and who regularly works less than 35 hours per week for his or her department or operating unit. A part-time employee working over 20 hours per week shall be eligible for certain employee benefits in accordance with the provisions of this manual.

Hourly employee. An employee who is appointed to a position with non-regular hours, but who regularly works less than 20 hours per week.

Temporary Employee. An employee appointed to the Princeton service on a short-term basis not to exceed one year, although the position itself may be an established continuing position. Normally a temporary employee is appointed to fill a position in an acting capacity until an appointee for regular employment has been selected. The duration and terms of such temporary appointment shall be established when the appointment is made.

Seasonal Employee. An employee appointed to a position which is regularly authorized to be filled only during a specified period of the year. The employment of seasonal employees shall commence and terminate on specified dates as authorized.

Exempt Employees. An employee whose position includes managerial or professional duties of a non-manual nature. Service of such employees to Princeton beyond the normal working hours promulgated in Chapter 11 shall not be compensated on an hour-for-hour basis.

Non-Exempt Employees. An employee whose position includes primarily manual, repetitious, clerical or technical duties and who is not ordinarily expected to provide services to Princeton beyond the normal working hours without additional compensation based upon the amount of overtime actually worked. A non-exempt employee shall be eligible for overtime compensation in accordance with the provisions of this manual.

Per Diem Employees. An employee who does not work regular hours but works when called upon on an hourly basis.

Probationary employee. An individual who is serving a probationary period before permanent appointment becomes effective. The new appointee will normally be expected to serve a probationary period of three (3) months or at the discretion of the Administrator. During this period, new employees shall not be entitled to the same benefits enjoyed by permanent employees, i.e. sick leave, personal days, vacation, etc. Eligibility for medical plan enrollment and benefits will be from the date of hire and enrollment eligibility dates will be driven by plan designs. The probationary period is counted as part of his or her continuous service with the municipality.

#### 105.8 Base Salary or Wage Rate.

The salary or wage rate paid an employee for services rendered, exclusive of additional compensation such as travel or uniform allowances, overtime-compensatory pay, employee benefits, or other pay increments which are not directly related to the position of the employee. Base Salary does not include longevity or specialty pay and shall be computed as an annual pay rate. The Annual Salary will include longevity and special assignment pay and shall be computed as annual pay rates. Base wages shall be computed as hourly pay rates.

## CHAPTER II

### EQUAL EMPLOYMENT/ANTI-DISCRIMINATION POLICY

#### **201 Anti-Discrimination Policy.**

Princeton is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Town 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, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Administrator, Deputy Administrator, or the Human Resources Manager.

#### **202 Americans with Disabilities Act Policy**

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, Princeton does not discriminate based on disability. Princeton will endeavor to make every work environment handicap assessable 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 Princeton to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We 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. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the municipality.

The Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Administrator. 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 Town 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 Town facilities. Any questions concerning proper assistance should be directed to the Administrator.

### **203 Contagious or Life Threatening Illnesses Policy.**

Princeton encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Town 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 municipality. The Town will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

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.

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.

### **204 “Whistle Blower” Policy.**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Town shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

Disclosing or threatening to disclose to a supervisor, Department Head, the Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. See Employee Complaint Policy. Under the law, the employee must give the Town a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

### **205 Employee Complaint Policy.**

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact Management Staff, the Department Head, the Administrator, or the Human Resources Manager. Reporting of such incidents is encouraged either 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 using the Employee Complaint form, but may make a verbal 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 harassment, sexual harassment, or other wrongdoing (see also Section 1105) will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith 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.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment 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 of an incident.

## CHAPTER III

### ORGANIZATION AND DELEGATION OF AUTHORITY

#### **301 Purpose.**

Proper organization and delegation of authority are essential to effective and efficient government administration and management. The responsibilities and authorities delineated in this chapter are intended to establish a clear understanding of the role that each segment government must play in order to create a sound personnel management program.

#### **302 Responsibility and Authority.**

##### **302.1 Administrator.**

In the Princeton organization, the Administrator shall be chief personnel officer and shall be responsible for all personnel management. The Administrator's Office shall serve as the central personnel office through which all departmental personnel practices are planned, coordinated and enforced. The responsibility and authority for personnel actions, including appointment, promotion, reclassification, demotion, layoff, transfer, suspension and separation, shall reside with the Administrator in accordance with the provisions of this manual. In performing the personnel administration function, the Administrator, or the Deputy Administrator as deemed appropriate and when delegated by the Administrator, shall have the authority and responsibility to:

- (a) Recommend annually to the Council a municipal budget which may include recommended appropriations for the salaries and wages of employees, employee benefits, new positions, employee promotions, employee development, and personnel management.
- (b) Promulgate, administer, and enforce employee work rules and standards. Individual employees and other parties may be consulted in developing work rules.
- (c) Plan, develop, implement, maintain, and administer the Salary Program, Employee Performance Evaluation Program, and an Equal Opportunity Program, consulting with Council, department heads, individual employees and such other parties as may be appropriate.
- (d) Oversee, administer and enforce the fair application of disciplinary action against employees in accordance with procedures established in this manual.
- (e) Administer the recruitment and selection policies.

- (f) Review, approve, revise or reject proposed departmental work rules, procedures, and practices in order to maintain the efficient operation of departmental work forces.
- (g) Establish and maintain a roster of all full-time permanent employees in the town service, which shall include the classification title, pay, status and other pertinent data of each employee.
- (h) Serve as the immediate supervisor for Department Heads.
- (i) Develop and administer, in cooperation with such other parties as appropriate, programs for the improvement of employee effectiveness, including training, safety, health, and continuing education.
- (j) Oversee and participate in grievance proceedings for Princeton employees as required in this manual.
- (k) Serve as Princeton's agent in collective bargaining proceedings.
- (l) Notify department heads of changes in personnel policies and procedures affecting the operating of their respective departments.
- (m) Prepare and adopt such forms, reports and procedures as may be necessary to conduct the town's personnel program.
- (n) Delegate authority. The Administrator may delegate the authority vested in that position to an assistant or department head(s) provided; however, that accountability for ensuring the proper administration of such delegated authority shall remain the responsibility of the Administrator.

### 302.2 Department Heads/Management Staff

Department Heads and/or designated Management Staff shall have the responsibility and authority to:

- (a) Enforce personnel policies, rules and regulations in their respective departments.
- (b) Propose and adopt, subject to the Administrator's approval, additional rules or regulations to govern the performance and conduct of employees in their respective departments.
- (c) Apprise employees in their departments of current personnel policies and procedures.
- (d) Participate in employee grievance proceedings as required.

- (e) Recommend to the Administrator the appointment of applicants to authorized positions within their respective departments.
- (f) Develop, in cooperation with the Administrator, orientation, development, and training programs for employees within their respective departments.
- (g) Generally organize and assign employee duties with regard to departmental operations and delegate the responsibility for overseeing day-to-day employee assignments to supervisory personnel as appropriate.
- (h) Administer discipline within their respective departments.
- (i) Administer and enforce the Equal Opportunity Program within their respective departments.
- (j) Notify the Administrator of any and all employee actions which conflict with the provisions of the Personnel Manual.
- (k) Recommend appropriate or necessary personnel actions to the Administrator.

### 302.3 Supervisory Personnel.

To the extent that superiors delegate authority to them, supervisors shall:

- (a) Implement and enforce personnel policies, rules, and regulations in the units under their supervision.
- (b) Administer discipline to employees under their supervision in the event that such discipline is deemed necessary, subject to procedures established in this manual.
- (c) Discuss and, if possible, resolve employee problems raised in accordance with the grievance procedure.

## CHAPTER IV

### EMPLOYEE ORIENTATION

#### **401 Policy.**

The Administrator, Human Resources Manager, and Department Heads shall be responsible for developing a program to orient each new employee who enters Princeton service.

#### **402 Orientation Procedure**

##### 402.1 Orientation during Pre-employment Interviews.

During pre-employment interviews, applicants for appointment to Princeton service shall be apprised of certain personnel policies and employee benefits. These discussions shall constitute the initial orientation process, but are not intended to completely and thoroughly orient the employee.

##### 402.2 General Orientation.

During their first week of employment, all new employees will meet with their supervisors, Management Staff or Department Heads as appropriate. Employees shall be advised on all general conditions of employment not previously discussed with the employee, such as: regulations, benefits, hours of work, compensation, and their privileges and responsibilities. Each employee shall also receive a copy of the Personnel Manual or any other pertinent literature concerning Princeton employment from the supervisor, Administration, Human Resources or Department Head.

##### 402.3 Worksite Orientation.

The supervisor or Department Head shall orient each new employee to conditions related to the job and worksite. Such orientation shall include introduction to co-workers, building tour, work standards, safety regulations, lunch periods, supplies, position duties and responsibilities, etc.

##### 402.4 Orientation Checklist.

During pre-employment interviews, general orientation and worksite orientation, the responsible municipal official shall refer to the Orientation Checklist and complete those sections for which the official is responsible. Department heads shall be responsible for ensuring that all items on the Orientation Checklist are discussed with the employee, completed and that the Checklist is signed by the employee and returned to the Administrator's office.

## CHAPTER V

### PERSONNEL ACTIONS

#### **501 Purpose and Definition**

Personnel actions are official actions taken by Princeton which change an employee's employment status. The purpose of this chapter is to delineate and define various personnel actions which Princeton may employ and to establish the procedures which apply to such actions.

The following shall constitute personnel actions:

- Appointment
- Employment of Relatives
- Employee Selection
- Promotion
- Probation
- Leave of Absence
- Reclassification
- Re-employment
- Reinstatement
- Transfer
- Layoff
- Demotion
- Suspension
- Separation

#### **502 Appointment.**

Appointment is the process of assigning an individual to a position in Princeton government. It shall include the assignment of a candidate to a position which is vacant, newly created, permanent, or temporary.

##### 502.1 Appointment Policy.

Princeton shall endeavor to fill vacancies or new positions through the appointment of employees who are qualified for appointment. In making appointments, the town policy of equal employment opportunity shall apply. Merit factors shall prevail in the appointment process. Political considerations shall not enter into appointment decisions.

##### 502.2 Appointment Procedures.

In appointing employees, the following procedures shall apply:

(a) Council must have created a position by ordinance, resolution or specific budget item and have authorized the filling of said position. In addition, there must be provided in the proper current budget account specific and adequate funds to compensate an incumbent.

(b) Whenever a vacancy exists in a position, or a new position is created, employees shall be advised of the vacancy and the qualification requirements by the Administrator in order that those who believe they possess the necessary qualifications may apply for the position if they so desire. Such application shall be by letter, addressed to the Administrator or designee, and shall be filed prior to the deadline date specified in the announcement.

(c) Vacancies for full-time positions may be advertised in an outside source by the Administrator or designee. An application deadline date may be specified after which date applications will not be accepted unless a later closing date is set.

(d) An application for employment form, obtained at the Office of the Administrator, must be completed by each person applying for a position with Princeton and submitted to the same office.

### **503 Employment of Relatives.**

The following policies shall govern the appointment of a candidate who is a member of the immediate family of a Princeton Official or employee:

(1) No candidate who is a member of the immediate family of an elected or appointed member of a Princeton governing body, commission, committee or board shall be appointed to a position in an operating unit over which the elected or appointed member exercises policy making functions. However, nothing herein shall prohibit the employment of anyone who passes an examination or otherwise legitimately qualifies for an appointment through competitive selection procedures.

(2) No candidate shall be appointed to a full-time, regular position subject to the direct supervision of an employee who is a member of the candidate's immediate family.

(3) If a candidate is a member of the immediate family of a Princeton employee who is delegated the authority to make appointment or recommend appointment to a position for which the candidate is eligible, the appointment decision shall be referred to the next higher administrative level. In the case where the Princeton employee is the Administrator, Deputy Administrator or a Department Head, the Personnel Committee will be involved in making the hiring decision, appointment recommendation and offering. The Personnel Committee may at its discretion consult with the full governing body.

(4) Immediate family, as used in the section, shall include spouse, domestic partner, Civil Union partner, child, sister, brother, parent, guardian, grandparent, grandchild, nephew, niece, uncle, aunt, son-in-law, daughter-in-law, father-in-law and mother-in-law.

(e) Misrepresentation of facts stated in an application for employment form shall be grounds for subsequent disciplinary action, up to and including dismissal.

#### **504 Selection Procedure: Full-time, Part-time, Hourly and Per Diem Employees**

##### **(a) Advertising and Vacancy Notices**

Official Vacancy Notices shall be posted throughout the Municipal Buildings. At the discretion of the Administrator, notice or advertisements shall be placed with outside sources such as, but not limited to: the NJ State League of Municipalities, NJ.com, CareerBuilder.com or other professional specific publications that will aim at attracting the best applicants for the position.

##### **(b) Interviews.**

The Administrator or designee shall schedule interviews for those applicants whose applications for employment indicated that they possess the necessary qualifications. Interviews shall be conducted by the Administrator or designee and, if the position requires specialized knowledge and skills, the cognizant department head. During interviews, applicants shall be apprised of Princeton personnel policies, conditions of employment, duties of the position, and such other information as may be appropriate.

##### **(c) Pre-Employment Physicals and Background Checks.**

All employees. If the Administrator and Department Head are in agreement that the applicant, either full-time, part-time, hourly, per diem, temporary or seasonal, shall be offered the position, the Administrator or designee MAY request the applicant to obtain a placement physical examination by a town recommended physician, at the expense of the town, to ensure that he or she is fit to perform duties required of the position. The examination will include a medical history form, physical examination, vital signs, vision screen, hearing screen, EKG, corporate medical blood screens, and a substance abuse urine test. If the referred to physician determines the need, further tests such as chest x-ray, additional blood screens, or physical therapy evaluations will be done to help determine fitness for duties.

(d) Reference Investigations. The Administrator or designee shall conduct a reference investigation and verification of previous employment for those applicants deemed most suitable for appointment.

(e) Fingerprint Investigation. A fingerprint investigation of applicants for certain positions may be required by the Administrator prior to final selection.

(f) Driving Record Investigation. For those positions requiring use of municipal vehicles, an investigation of the applicant's driving record will be made.

(g) Criminal History Record Check. All employees must agree to a criminal history record check for all positions within Princeton.

(h) Hiring. Following reference investigation, the Administrator or designee shall, in consultation with Department Heads, determine which applicant is best suited for the position, and contact the applicant and offer him or her the position at the appropriate salary rate.

(i) If the Administrator or designee and the successful candidate agree upon the conditions of employment, a probationary appointment date will be arranged. The Administrator shall notify the Payroll Office, Council, and the appropriate Department Head of the appointment and the starting salary.

(j) The Administrator or designee will check all papers for completeness and establish a "Personnel History File" for the appointee. The File shall be confidential, and shall contain all records of the appointee's application and subsequent personnel actions, all pertinent personnel data as required for personnel management, and other records as required. The File shall be secured at all times.

### **505 Selection Procedure: Temporary or Seasonal Employees**

Recreation summer and seasonal staff, Human Services Summer Staff, Public Works Seasonal staff and/or other Temporary or Seasonal positions will generally follow the same process outlined in section 504 above.

### **506 Orientation.**

New appointees shall be oriented to their position as provided for in Chapter IV of this manual.

### **507 Promotion.**

Promotion is the assignment of an employee from one position to another with a higher level of responsibility in recognition of superior performance in the previous position.

Procedure. Promotions shall be made by action of the Administrator or designee. In making such promotions, the Administrator shall consult Department Heads and Princeton Council as appropriate.

### **508 Probation.**

Probation is a trial period of fixed duration intended to provide an employee with an opportunity to perform in a manner which satisfies Princeton standards and thereby to become, or be reinstated as, a regular employee. A probationary employee shall generally enjoy the same benefits and rights as regular employees. Employee grievance rights are not applicable during the probationary period if the employee is a new employee. If the probationary period is due to disciplinary action, certain benefits may be limited as part of the disciplinary action.

New Appointees. New appointees to Princeton service shall serve a probationary term and shall be so advised when appointed. Generally the probationary period will be six (6) months, except in cases of certain positions for which the Administrator or department head recommends an extended probationary period. Prior to completion of the probationary period, an employee performance evaluation shall be conducted by the department head, or in the case of a department head, by the Administrator in accordance with the provisions of this manual. During the probationary period, new employees shall not have recourse to the grievance procedure and may be separated without right of appeal. Upon receiving a satisfactory evaluation, such employee shall become a regular employee. An unsatisfactory performance evaluation report shall result in separation or an extension of probation for an additional period of time as recommended by the department head and approved by the Administrator.

#### **509 Promotion or Voluntary Transfer.**

A promoted or voluntarily transferred employee shall not be considered to be on formal probation following promotion or voluntary transfer. However, in the event that such personnel actions prove unsatisfactory in the view of the gaining department head after a four (4) month period of adjustment to the new position, the employee may be reassigned to his or her previous position, if vacant, with loss of grade in the case of promotion. If such vacancy does not exist and no alternative means of staff adjustment is possible, the employee may be separated from Princeton service.

#### **510 Other Personnel Actions.**

When an employee is placed on probation as a result of disciplinary action, or following demotion or involuntary transfer, a probationary period shall be established and shall begin on the date of the disciplinary action. During this period, the employee's performance will be closely monitored. Unsatisfactory performance during the probationary period shall constitute grounds for separation from Princeton service. Prior to completion of the probationary period, a performance evaluation shall be conducted. A "satisfactory" rating in the resultant performance evaluation report shall be necessary to warrant continued employment.

#### **511 Re-employment.**

Re-employment is the action by which a former Princeton employee is employed by the town under the same conditions as a new appointee. Previous service shall not be considered in determining eligibility for employee benefits for a re-employed appointee.

### **512 Transfer.**

Transfer is a voluntary or involuntary personnel action whereby an employee is assigned to a different position in the same grade level at the same pay.

### **513 Workforce Reduction (Layoff).**

The Administrator, in conjunction with the Personnel Committee and/or the governing body, may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. A layoff may be ordered for a definite or indefinite period of time. A layoff shall not be utilized as a disciplinary measure.

When it is determined that a reduction in the number of employees is to occur, the following principles will govern:

- In determining the order in which employees are to be laid off, seniority will prevail as long as the more senior employee has the qualifications, skills and abilities to perform the required work.
- The effective date of separation from the payroll will be no sooner than thirty (30) calendar days following written notification to the employee.

### **Recall.**

- Laid off employees retain recall rights for twelve (12) months following the actual date of separation.
- Laid off employees who wish to be recalled must keep the Administrator informed, in writing, of any change in their address of record.
- When a vacancy for a full-time, permanent position exists for those employees not covered by a negotiation agreement, the following will govern:
  - The most recently laid off employee still holding recall rights and who has the necessary qualifications, skills and abilities to perform the work for which the vacancy exists, will be sent a recall notice by certified mail, return receipt requested, addressed to the employee's most recent address as shown on Personnel records.
- After such notice has been sent, Princeton may hire temporary staff pending return of the recalled employee. The temporary employee will be terminated

from the recalled employee's position following the recalled employee's return to work.

- An employee recalled to a position with a lower salary rate than that held at the time of layoff, who notifies the Administrator that he or she does not wish to be recalled for that position, will retain his or her recall rights.
- An employee recalled to a position at the same or higher salary rate than that held at the time of layoff, who notifies the Administrator that he or she does not wish to be recalled for that position, loses his or her recall rights.
- Unless the Administrator receives written notification by the 15th calendar day following sending of the recall notice, the recalled employee loses recall rights.
- A recalled employee who accepts the position for which recalled, but who does not report for work by the sixth (6th) working day following written acceptance, loses recall rights.
- A laid off employee upon returning to employment by exercise of his or her recall rights retains the seniority held on date of separation, and begins accumulation of additional seniority starting with the return.

#### **514 NJ Residency Requirements.**

Pursuant to NJ State Statute (N.J.S.A. 52:14-7) all employees hired after September 1, 2011 must retain principal residency within the state of NJ. Under the law, an official, appointee or employee of the State, a county or a municipality must maintain their principal residence in New Jersey. A principal residence is defined as where a person spends the majority of his/her non-working time, the center of domestic life, and his/her legal address for voting.

The law grandfathers existing non-resident employees, provided that they do not have a break in public service of greater than seven days. New hires have one year from the time of taking office or hire to satisfy the residency requirement.

## CHAPTER VI

### EMPLOYEE COMPENSATION

#### **601 Annual Salary Resolution**

Princeton employees shall be paid in accordance with the annual salary resolution developed and administered by the Administrator. Salaries must be adopted by Resolution by Princeton Council.

##### 601.1 Payroll Operations.

Employees shall be paid in accordance with the following policies:

Payments to employees shall be made on a biweekly schedule established at the beginning of the calendar year by the Administrator.

Salaried employees shall receive, at the end of each biweekly period, compensation equaling one twenty-sixth (1/26) their annual salaries, less payroll deductions for withholding taxes, pension programs, social security and such other deductions as may be required by law or authorized in writing by the employee.

Annual salary increments authorized by resolution of the Council following adoption of the temporary or regular budget shall be retroactive to January 1. Salary changes resulting from amendments to the salary resolution shall become effective on the date provided by resolution. In order to be eligible for an annual salary increment an employee must be employed on the date the salary resolution is adopted. Other salary adjustments, within budgetary limitations, may be made during the year as deemed appropriate by the Administrator.

Upon separation from service, employees shall be paid in accordance with the procedures established in Chapter XIV of this manual.

Overtime and holiday compensation shall be paid on the first pay date following receipt of time records, which must be filed no later than the Friday at 10 a.m. preceding the pay date.

A new employee shall be eligible for a full salary increment on January 1 of the year following appointment if appointment was effective prior to July 1, or for one-half the increment if appointed on or after July 1 and prior to October 1. No such increment shall be awarded if appointment was made on or after October 1.

#### **602 Overtime Compensation.**

In most cases, employees shall be assigned work which will not require attendance beyond the normal working hours established for their departments. In those instances, however, when employees are required by their department head to work additional periods of time beyond the normal workweek, they shall be eligible for overtime compensation. Overtime shall be kept within the constraints of the department's budget. In case of emergency, when the overtime amount will exceed the budget, the approval of the Administrator is required. In computing overtime, fifteen (15) minutes shall constitute the minimum period of compensable overtime; thereafter, the nearest fifteen (15) minute period shall constitute the basic unit of compensable overtime.

#### 602.1 Exempt Employees.

Exempt employees, as defined in Chapter 1, are not eligible for overtime compensation. Compensation for service beyond normal working hours is ordinarily included as a salary differential for exempt employees. Administrative time shall only be allowed and taken with approval of the Administrator and shall not be accrued or earned on an hour for hour basis.

#### 602.2 Nonexempt employees.

Nonexempt employees shall be eligible for overtime compensation as follows:

All time worked in excess of forty (40) hours in a given work week shall be compensated through overtime pay at the rate of one and one-half (1.5) times the hourly equivalent of their annual salaries.

Overtime eligibility shall be based on time worked. Time spent in job related training approved by the Department Head shall be considered time worked. Employee absences (e.g.: vacation, personal, sick, or holiday) shall not be registered as time worked.

Employees whose work schedule is less than forty (40) hours per week shall be compensated for work in excess of their schedule, but less than forty (40) hours, by overtime pay equal to the hourly rate equivalent of their annual salaries (1.0 straight time)

(emergency call in for the Animal Control officer shall be at a two hour minimum)

For the purpose of computing overtime compensation for employees other than police officers, the standard workweek shall begin at 12:01 a.m. Sunday and end at 12:00 midnight Saturday.

## CHAPTER VII

### EMPLOYEE BENEFITS

#### **701 Purpose.**

In compensating employees for services rendered, Princeton provides additional employee benefits which are intended to provide employees with: adequate medical care; a supplemental income upon retirement; vacation and holiday leave; and compensation for training and necessary employment-related expenses.

#### **702 Administrative Authority and Responsibility.**

The Administrator shall be responsible for establishing and maintaining an employee benefit plan. In performing this function, the Administrator shall consult with Council insofar as present and subsequent budgets may be affected by changes in the benefit plan, or insofar as the operations of the government in general may be affected by such change. Department Heads shall be responsible for proper use of employee benefits by departmental personnel.

#### **703 Medical Insurance Program**

Princeton shall offer and provide for all full-time employees and their immediate families (including spouse /domestic partner/Civil Union partner and eligible dependents) membership or subscription to the following medical insurance programs at partial cost to the employee:

Medical Insurance Plans: As of January 1, 2013, all permanent, full-time employees will be offered medical insurance coverage through the NJ State Health Benefits Plan (SHBP). Employees shall have plan choice as governed by the SHBP.

Drug Prescription Plan – Prescription plan will be offered through the NJ State Health Benefits Plan (SHBP). Employees shall have plan choice as governed by the SHBP.

Opt Out Program/Waiver – A medical insurance “opt out” program is available for all full-time, benefits eligible employees in lieu of medical insurance. In order to be eligible to waive insurance coverage, an employee must submit the proper waiver application/form and proof of insurance coverage through another source for the applicable period which is being waived. In return for this waiver, the employee will receive 50% of the applicable premium savings up to a maximum of \$5,000.00 per annum or the amount set according state statute.

As participants in the SHBP, Princeton employees who have SHBP coverage through a spouse, domestic partner, or civil union partner will not be eligible for dual enrollment/coverage. Employees enrolled in coverage through a spouse, domestic

partner, or civil union partner in the SHBP will be required to Opt Out of the Princeton medical coverage but will NOT be eligible for Opt Out payment.

Opt Out Payments: Employees receiving Opt Out will be paid the pro-rated amount of the annual total due in bi-weekly pay.

Dental Insurance Plan. Dental insurance coverage will be offered to all full-time, benefits eligible employees.

Vision reimbursement: Full-time, benefit eligible employees will receive a reimbursement not to exceed \$150 per year for themselves and/or qualified dependents. Qualified reimbursements include regular prescription eyeglasses, bi-focal prescription eyeglasses or prescription contact lenses. Employees are responsible to turn in paid receipts for reimbursement no later than January 31 for the prior year's expense.

Flexible Spending Plan: Per the Pension and Health Benefit Reform Law (Chapter 78, P.L. 2011) Full-time, benefit eligible employees will have the option to participate in a pre-tax Flexible Spending Account (FSA) Plan. The FSA will allow employees to set aside their own pre-tax payroll dollars for the purchase of medically necessary supplies, medical bills and/or qualified child care expenses.

Management Rights: If the Administrator determines that new or different policy options are in the best interest of Princeton such options may be selected by the Administrator. All or part of the cost of any medical insurance policy may be charged to participating employees.

Payroll Deductions: Per the Pension and Health Benefit Reform Law (Chapter 78, P.L. 2011) all medical and/or dental plan participating employees must contribute to the cost of their medical and/or dental premiums through payroll deductions.

COBRA - In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985, all terminated employees, except those terminated for gross misconduct, may elect to continue medical and dental benefits for eighteen months. The continuation of these benefits will be at the employee's expense.

In addition, dependents of employees may elect to continue medical and/or dental benefits for 36 months at the employee or dependent's expense. This applies only in cases in which coverage would be lost due to plan provisions, to eligibility for Medicare, or to death, divorce, or legal separation from the covered employee.

It is the responsibility of employees to notify the Administrator's office should any of the above events occur.

**704 Personal Leave.**

After completion of the probationary period, employees shall be permitted up to a maximum of three (3) days of personal leave in a given calendar year. Personal leave shall be scheduled at least two (2) days in advance and be approved by the Department head. Department Heads shall have their personal leave approved by the Administrator. Personal leave shall not be used in conjunction with vacation or other periods of paid leave, except for funeral leave. Employees are required to state a reason for personal leave in emergencies, when advance notice is not possible. Personal time shall be recorded in hours and is not available for carry over into the next year if not used.

**705 Sick Leave.**

Princeton believes that sick leave is a privilege to be used when needed for genuine illness or injury. Employees are encouraged to protect themselves against a lengthy disability by building up a bank of accumulated sick leave.

Eligible regular employees may take paid sick leave for absences caused by personal or immediate family illness, injury, medical quarantine, dental, optical, or medical examination and treatment which cannot otherwise be scheduled during traditional non-work hours. Eligible regular employees may use sick leave to provide care to an immediate family member including domestic/civil union partner with the approval of the Department Head and the Administrator. Other accrued paid time off and unpaid leave may be available to eligible regular employees for this purpose. Immediate family is defined for the use in this subsection as spouse, domestic partner, civil union partner, son, daughter, mother, father, mother-law, father-in-law or qualified dependent family member permanently residing with the employee.

**Eligibility for Paid Sick Leave**

A paid sick day is equal to the standard workday for each department. Use of paid sick leave will be recorded in hours. Unused paid sick leave will be carried over to a maximum accumulation cap of 140 days. Unused sick time will not be available for pay out except at the time of retirement for certain individuals and as noted in Chapter XIV.

On January 1st of each year (the “credit date”), all regular full-time employees will be credited with twelve (12) paid sick days. For the purpose of pro-rating: sick days will be accrued at the rate of 1 day per full month of working.

Former Township employees (prior to consolidation) who received an annual renewal of 100 days of sick time will be provided 140 sick days for the year of 2013. Starting in 2014 those employees shall begin to receive 12 sick days per year as other staff and shall be subject to the carry over guidelines as set forth above.

An employee who becomes a regular full-time employee after the annual credit date, whether by completing the probationary period or otherwise, will earn one (1) paid sick

day for each full month thereafter of work completed. Any paid sick days advanced during the probationary period must be reimbursed if the employee leaves service.

All regular part-time employees who work 20 hours or more per week will be credited with paid sick leave on a pro-rated basis using the following formula: (a) Divide the hours in the employee's scheduled workweek by 5 work days to get the average daily work hours; (b) multiply the average daily work hours by 12 (the number of annual sick days); (c) round to the nearest ½ hour. The result is the number of hours of paid sick leave available to the employee during the calendar year. A part-time employee's paid sick leave may be recalculated in the event of a schedule change.

An employee who becomes a regular part-time employee after the annual credit date will earn paid sick leave on a month-by-month basis in accordance with the formula set forth above. Any paid sick leave advanced during the probationary period must be reimbursed if the employee leaves Princeton service.

Hourly, temporary, seasonal, per diem and other non-regular employees are not eligible for paid sick leave.

#### Use of Sick Leave

An employee shall report an absence due to an illness, injury or other cause described to his or her supervisor – or to the Administrator in the case of Department Heads – prior to or within fifteen minutes of the employee's normal starting time. All such absences must be reported even if the employee has exhausted or is not eligible for paid sick leave. Failure to make a timely report of an absence will be recorded as an unexcused leave of absence for which the employee will be subject to disciplinary action up to and including dismissal.

The employee must report his or her absence on each successive day of absence unless a healthcare provider specified in writing the length of the employee's absence and expected date of return.

Any employee who is absent without notice for three (3) consecutive days shall be considered to have abandoned his or her position and will be considered discharged.

An employee who engages in outside employment during sick leave, temporary disability or long-term sick leave shall be subject to disciplinary action, which may include dismissal.

Whenever an employee is on sick leave, disability leave or long-term sick leave, it is understood the employee will be at home or seeking medical care. If for medical reasons or out of necessity the employee must be elsewhere during sick leave, temporary disability or long-term sick leave, the employee must submit to the supervisor a telephone number where he or she may be reached.

The Administrator or Department Head may at any time request a written certification by the attending healthcare provider. In all cases of reported illness, injury or quarantine, Princeton reserves the right to have a physician, visiting nurse, or medial officer investigate the report.

An employee who is utilizing Temporary Disability/Long-Term Sick Leave or who is absent for personal medical procedures and/or for a duration longer than five (5) days will need to submit documentation from the caring medical physician that the employee is able and fit to return to work.

The Administrator may at any time, at the town's expense, refer an employee to a licensed physician or the EAP for certification of the employee's fitness to return to work.

#### Abuse of Sick Leave

Sick leave is a privilege and shall not be used for purposes other than those described in this manual. An employee who uses sick leave for purposes other than those permitted under this policy shall be subject to disciplinary action up to and including termination.

An employee who displays a pattern of absences may be required to provide medical verification of each subsequent absence.

Such patterns may include, but are not limited to, taking one or two days repeatedly over a several month period, regularly exhausting paid sick leave before the middle of a calendar year, or using one or two hours of paid sick leave in order to delay the start or hasten the end of the workday. Any employee who takes a sick day before and/or after a holiday, vacation, or inclement weather closure may be required to provide a doctor's verification.

#### Accrual, Advancement and Recording of Paid Sick Leave

An employee who has exhausted his or her accumulated paid sick leave may draw upon other accrued paid leave. If all accrued paid leave has been exhausted, an employee may ask the Administrator for an advance on future paid sick leave. If an advance is granted, any paid sick credited to the employee after his or her return to work shall be reduced by the amount of paid sick leave advanced. If the employee does not return to work, the moneys advanced to the employee shall be deducted from any moneys due the employee upon his or her separation from employment.

The Administrator or designee shall maintain regular staff records of paid sick leave advanced, accrued, used and carried forward on an ongoing basis. In addition, Department Heads and/or Management Staff shall be responsible for overseeing the use of department staff sick time and shall keep the Administrator current.

## **706 Temporary Disability Leave/Long-Term Sick Leave**

An employee who has become seriously injured or who has contracted a serious illness is eligible and may request long-term sick leave. In order to be eligible for this long-term illness provision, employees must be employed with Princeton for a minimum of five years to qualify. Further, it is the employee's responsibility to provide for the first 44 days (approximately two months) of the benefit through accumulated sick and/or vacation and/or compensatory time. Princeton will then cover the employee at 100% salary for the ensuing six months at which time long-term sick leave pay would terminate.

Temporary Disability/Long-term Sick Leave is only available for use for the employee's personal injury or illness. Other leave may be utilized at the approval of the Department Head and the Administrator. The employee may also utilize his or her benefits under the NJFLA and/or the Federal FMLA.

## **707 Family Leave**

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 Princeton; 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. 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. Upon expiration of a Family Leave, the employee will be restored to the position he or she held when Family Leave commenced or, if that position has been filled, to an equivalent position of like seniority, status, employment benefits, pay, and other terms and conditions of employment. However, if during the Family Leave Princeton experiences a reduction in force or layoff which would have resulted in the employee's loss of employment had the employee not been on Family Leave, or if the employee would have been terminated for other reasons if he or she had not been on Leave, the employee shall not be entitled to reinstatement. An employee who remains on leave after the expiration of their Family Leave will not be entitled to reinstatement.

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 domestic/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 the 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 Town reserves the right to deny any request for extended leave. Additional information concerning the Family leave Policy and eligibility requirements is available from the Human Resources Manager.

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 according to the state guidelines). 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 one day increments. An employee seeking intermittent paid family leave is required to provide the Town 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 Town with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) weeks in a year to care for a family member on active duty in the military or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a member of the National Guard or Reserves is called to active duty 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.

### **708 Workers Compensation**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. Princeton covers workers compensation benefits through its

membership in a Joint Insurance Fund (JIF). Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the JIF and payment for unauthorized medical treatment may not be covered pursuant to the Act.

In order to qualify for workers' compensation benefits, an injured employee must complete an official Princeton Accident Report and seek medical attention from the designated medical panel provider(s). Failure to provide an accident report could result in disciplinary action. The employee must report to Administration on a regular basis regarding medical status until released from treatment by the attending physician.

Employees will receive regular wages while out on workers compensation. All Workers Compensation insurance wage payments or third party sick pay will be paid to Princeton as reimbursement for wages paid to the employee.

Princeton will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

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

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Administrator informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend

medical or physical therapy appointments but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, Princeton reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Time off under workers compensation due to a work-related injury will be charged against the employee's FMLA medical entitlement.

### **709 Holidays**

Except for police officers, the following days will be considered as holidays for employees and will be observed on the days set aside therefore, with Princeton offices closed and normal operations suspended

January 1  
M. L. King, Jr., Birthday Observed  
Presidents Day  
Good Friday  
Memorial Day Observed  
July 4 – Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day  
Friday Following Thanksgiving  
December 24  
December 25  
December 31

When a holiday falls on a Sunday, it shall be observed the following Monday. When such a holiday falls on a Saturday, it shall be observed on the immediately preceding Friday.

All nonexempt employees required to work on a holiday shall be compensated at the rate of two (2) times the hourly equivalent of their salaries. Regular salary payment shall be included in compensation.

Minimum Holiday Compensation. A nonexempt employee required to work on an observed holiday shall be granted no fewer than four (4) hours of holiday compensation for that day as compensation for such services, regardless of the amount of time actually worked. For the purpose of computing holiday compensation, the holiday is deemed to begin at 12:01 a.m. and end at 12:00 midnight on the date designated as a holiday.

Part-Time employees with regularly scheduled hours who work 20 hours or more per week will be compensated for scheduled Holidays. Holiday pay will be pro-rated based on the average daily hours.

Hourly, temporary, seasonal, and per diem employees shall not be compensated for holidays.

Changes to the above will be made to coincide with local bargaining units. If Princeton negotiates a lesser Holiday schedule with the local bargaining units, a lesser schedule will be given.

**710 Vacations.**

Vacations are provided for employees in order that they receive a period of relief from normal working responsibilities. The length of vacation for which an employee is eligible shall depend upon length of service and position, as follows:

Full-time and salaried employees shall be granted annual leave with pay for vacation purposes during each calendar year in accordance with the following schedule, based upon length of continuous service as of October 1 of the given calendar year (i.e., the number of complete years served between the employee’s anniversary date and October of the calendar year in which vacation leave is granted).

Employees with a hire date prior to January 1, 2013 (municipal consolidation) will remain in their existing vacation allocation until such time as they move into the next new category listed below.

<u>Length of Continuous Service Completed</u>	<u>Accrued Vacation Leave</u>
1st Year	One (1) day per month
1-5 years of continuous service	Twelve (12) work days
6-14 years of continuous service	Seventeen (17) work days
15-20 years of continuous service	Twenty-two (22) work days
After completion of Twenty-one (21) years of continuous service	Twenty five (25) work days plus one additional day per additional year continuous service up to 28 days.

No single vacation period for any employee shall exceed 15 continuous working days except by special permission of the Administrator. Employees may carry unused vacation time, up to 1 year’s allocation of accrued time, with the approval of the Administrator. Accrued time in excess of such limits shall be forfeited. An exempt employee may benefit from no more than ten (10) days of such accumulated leave in any calendar year. However, during the calendar year in which retirement occurs, all accrued vacation may

be taken. Employees hired before January 1, 2013 will retain all accrued, banked vacation days from prior years as approved by Administration.

If a recognized holiday falls during an employee's vacation period, the employee shall be entitled to an additional vacation day in lieu of the holiday. However, in the event an employee becomes ill during a vacation period, sick leave benefits may not be utilized for the purpose of restoring vacation leave.

Part-time salaried employees who work a regular schedule of 20 hours per week or more shall be eligible for prorated vacation benefits based on the number of years of service and hours worked. Hourly, Temporary, Seasonal, and Per Diem employees are not eligible for vacation benefits.

All vacations must be scheduled and approved in advance by Department Heads or Management Staff. It is Management's responsibility to schedule individual vacations so that activities of the town will be carried on with a minimum of interruption and inconvenience. Ordinarily, employees with seniority will be given first preference in assignment of vacations insofar as it is possible. Department Heads shall schedule their vacations in advance with the Administrator.

For the purpose of recruiting Department Heads and Management Staff, who are senior employees in other organizations, alternate vacation schedules may be negotiated and special provisions may be made at the time of appointment by action of the Administrator.

The minimum period of vacation leave for purposes of computation shall be one-half (½) day.

If a regularly scheduled pay date falls during an approved and scheduled vacation in excess of five working days, an employee may request that the regularly scheduled payment(s) be distributed to the employee on his or her last working day prior to the vacation period. Such request must be submitted in writing to the Chief Financial Officer, with a copy to the Administrator's office at least 14 calendar days prior to the beginning date of the vacation.

### **711 Training and Continuing Education.**

It is the policy of Princeton, in accordance with the employee development program, to provide employees opportunity to receive further training and education which will enhance their performance and contribute to improved municipal operations. Accordingly, the cost of approved employee training and continuing education programs will be borne by Princeton as follows:

Full-time Employees. Princeton shall contribute up to the sum of \$2,750 annually as reimbursement for tuition, matriculation and laboratory fees actually incurred by any full-time employee who continues his or her education in the study of subjects which are

related to the employee's present position or a position for which the employee would qualify upon completion of such course of study.

Such reimbursement shall be contributed only after satisfactory completion of course(s) with a "C" grade or better as evidenced through a transcript previously shown to the employee's department head and the Administrator. An employee who receives such reimbursement shall be obliged to perform two years of service for Princeton upon completion of the approved program of study or may be responsible for reimbursement of fees paid.

Procedure. Employees desiring compensation for training or continuing education programs shall submit a request for approval prior to participation in the program. Such requests shall be submitted to the employee's department head on forms available in the Administrator's office. The department head shall review the request, comment on the program's applicability to the employee's career development, and transmit the request form to the Administrator.

The Administrator shall review the request, approve or disapprove it and return a copy of the request form to the employee's department head, indicating the reasons for approval or disapproval. If the employee's request is approved, the Administrator shall be responsible for ensuring that the employee is reimbursed for eligible expenses.

Department Heads and Management Staff shall be responsible for requesting sufficient and specific budget appropriations to provide such compensation.

### **712 Conventions, Conferences and Seminars.**

Princeton shall bear the cost for the participation of permanent employees in conferences and seminars which contribute to the employee's career development. These must be previously approved by the employee's department head and the Administrator. Such costs may, subject to approval by the Administrator, include: the cost of the conference or seminar registration, travel expenses if a municipal vehicle is not used for transportation to the program, and the cost of meals and lodging if the program requires participation of more than one day in duration. Member participation in activities sponsored by employee associations or their affiliates are not recognized under this program.

### **713 Reimbursement of Travel Expenses.**

Princeton employees who use their private vehicles in an authorized official capacity shall normally be reimbursed according to IRS guidelines or such other rate as shall be determined from time to time by the Administrator. Subject to the approval of the Administrator, employees who use their private vehicles for short-distance, local driving may be reimbursed by an annual stipend in lieu of a mileage allowance.

Vouchers submitted for reimbursement of travel expenses shall be accompanied by a report including, the date(s) of trips taken, the purpose and destination of each trip, the total period of time for which travel reimbursement is requested, and the total mileage driven. Department Heads shall be responsible for ensuring the accuracy and validity of such vouchers.

**714 Non-Resident Benefits**

Library Benefits. Non-resident employees may, because of their municipal employment and service to the town, register with and enjoy the use of the Princeton Public Library.

Recreation Programs Benefits. Non-resident employees may, because of their municipal employment and service to the town, register with and enjoy the use of the swimming pool, summer camp, tennis, and platform tennis complex and all other recreation department programs at the prevailing resident rates.

**715 Longevity.**

Longevity pay will be eliminated in practice for all new employees effective January 1, 2013. Employees receiving longevity as of January 1, 2013 will continue to receive no less than their longevity pay at the time of the consolidation of Princeton Borough and Princeton Township.

Former Township salaried, non-union personnel, hired prior to January 1, 2013 shall continue to be increased by the below longevity increments on their anniversary date for the years of 2013 and 2014 as listed below. After January 1, 2015, Longevity increases will cease. Employees Longevity amounts will remain as part of the Employees’ salary, but will not increase.

Prior Township Employee Longevity Scales  
YEARS OF CONTINUOUS SERVICE INCREMENT

	Whichever is greater :
After 5 years of service	1% of base salary or \$ 725.00
After 10 years of service	2% of base salary or \$ 1,375.00
After 15 years of service	3% of base salary or \$ 1,675.00
After 20 years of service	4% of base salary or \$ 2,175.00
After 24 years of service	5% of base salary or \$ 2,324.00

Former Borough employees hired prior to January 1, 2013 will receive Longevity Pay increases for years 2013 and 2014 based on prior eligibility and the Borough’s prior policy listed below. After January 1, 2015, Longevity increases will cease. Employees Longevity amounts will remain as part of the Employees’ salary, but will not increase.

Full-time Borough employees hired prior to January 1, 2000 shall be entitled to longevity increments as described in this section. Employees who receive longevity

shall continue to do so, receiving future adjustments after reaching the top of the salary scale in accordance with their anniversary date of employment. In no event shall the increments of longevity exceed the amount of \$1,850.00 annually. After ten years of continuous service and in accordance with the other provisions of this paragraph, the annual salary of each employee shall be increased on the anniversary date of employment as follows:

Prior Borough Employee Longevity Scales  
YEARS OF CONTINUOUS SERVICE INCREMENT

10- 14 years	\$ 900.
15- 19 years	\$1,200.
20 - 25 .years	\$1,700.
<u>Over 25 years</u>	<u>\$1,850.</u>

**716 Service Awards Program.**

Employees will be recognized annually for years of service beginning with five (5) years of service and each five (5) year increment thereafter. A service Awards Committee will determine the type of award and the manner of presentation.

**717 Employee Assistance Policy:**

Employees and their immediate family will be eligible for and have access to an Employee Assistance Program for voluntary use in dealing with personal, family, work-related issues or controlled substance/alcohol counseling. If an employee needs further information regarding the EAP, they may either contact their Department Head, Management Staff or Human Resources for contact information. They may voluntarily contact the EAP directly to schedule a confidential appointment with a counselor. All discussion between the employee and the counselor is strictly confidential. Princeton staff and fellow employees will have no knowledge of the employee's request for help.

Princeton employees may also utilize Corner House Counseling Services (a municipal department) for personal or work-related issues. Referrals to Corner House may also be available for family members, but may be subject to health insurance co-pays and deductibles.

Involuntary referrals: Employees may be required by Administration, as part of a disciplinary action or other work-related issue, to seek counseling through the EAP or Corner House. All discussions held between the EAP counselor or Corner House counselor will be strictly confidential. Employee participation and completion requirements will be in writing from Administration. Please refer to Employee Work Rules and Standards (Chapter XI) for additional information.

## CHAPTER VIII

### PERFORMANCE EVALUATION

#### **801 Purpose.**

The primary purpose of the employee performance evaluation program is to inform employees how well they are performing and to offer constructive criticism on how they can improve their work performance. Performance evaluation shall also be considered in decisions affecting salary advancement, promotion, demotion, dismissal, placement, and training needs.

#### **802 Periods of Evaluation.**

The performance of Princeton employees shall be evaluated at the following periods:

802.1 End of Probationary Period. Probationary employees shall be subject to a performance evaluation prior to completion of their probationary periods. Such employees must receive an overall evaluation of at least “satisfactory” in order to continue their employment in Princeton service.

802.2 Annual. Permanent employees shall receive an annual evaluation of their performance once each calendar year in order that the rating may be considered by the Administrator during the preparation of recommended town-wide salaries and wages budgets. An employee’s performance must have been satisfactory in order to be eligible for a salary increment.

802.3 At Separation In order that Princeton may retain a complete permanent record of the separating employee’s performance and conduct while in the municipality’s service, a final performance evaluation report shall be prepared by the separating employee’s rating officer.

#### **803 Performance Evaluations**

803.1 Rating Officer. The rating officer shall normally be the employee’s immediate supervisor. The Administrator shall be the rating officer for department heads. Rating officers shall be responsible for submitting complete, accurate, detailed and specific evaluation reports at the times prescribed for each employee supervised. Since the annual merit review process depends to a great extent upon a successful performance evaluation review system, rating officers should attempt to differentiate levels of performance of employees: an “Outstanding” rating for all employees could conceivably result in uniform, across-the-board pay adjustments which will not reflect merit considerations. Consequently, rating officers will be evaluated, in part, on the quality of the performance evaluation which they submit.

803.2 Review of Performance Report The rating officer shall discuss the performance evaluation report with the employee before the report is made part of the employee's permanent record.

If the rating officer intends to recommend the denial of a salary increment or recommend an extraordinary performance salary increment, the report must be discussed with the appropriate department head (if the rating officer is not a department head) and the Administrator prior to review with the employee.

#### **804 Evaluation Procedure**

804.1 Forms. Employee performance evaluation reports shall be submitted on forms provided by the Administrator.

804.2 Employee Acknowledgment of Evaluation Report. Upon completion of the review of the employee's evaluation report with the supervisor, the employee shall sign the report notwithstanding any disagreement with its contents. The employee shall indicate whether he or she agrees with the report issued by the rating officer; the employee shall so indicate in the space provided on the report form, giving reasons for any disagreement with the rating officer's report.

804.3 Transmittal to Administrator's Office. Following completion of the evaluation report review, the rating officer, if not a department head, shall submit the report to his or her department head. The department head shall review and comment upon the evaluation report and transmit it directly to the Administrator, who in turn shall review the report and take action as appropriate.

#### **805 Job Description Policy**

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Administrator. Copies will be available upon request.

## CHAPTER IX

### EMPLOYEE DEVELOPMENT

#### **901 Purpose.**

The purpose of the employee development program shall be to foster and promote the training and development of employees in order to:

- Improve the quality of personal services rendered to Princeton.
- Equip employees for career advancement within Princeton service.
- Provide a reservoir of occupational skills necessary to meet current and future employment needs.

#### **902 Administration.**

902.1 Administrator. The Administrator shall have overall responsibility for the development, administration, and coordination of the employee development program. In this capacity, the Administrator shall:

- Assist Department Heads and Management Staff in developing and implementing employee development programs to meet the current and future needs of their departments and to increase employee efficiency.
- Conduct or coordinate employee development programs to meet the common needs of all departments.
- Periodically analyze and evaluate the overall employee development needs.
- Assure that all employees receive equitable consideration for appropriate training opportunities.
- Assure that employee personnel files are updated upon successful completion of any employee development activities to insure maximum consideration for placements, transfers, and promotions.
- Propose, to the Council, budget appropriations needed to conduct an employee development program.

902.2 Department Heads/Management Staff. Shall provide active leadership in developing the skills and abilities of employees under their supervision. In this capacity, they shall:

- Cooperate closely with the Administrator in determining the current and future employee development needs in their departments.
- Participate with the Administrator and employees in developing and implementing employee development programs.
- Submit budget requests for sufficient funds to secure needed career development programs.
- Maintain a file of current information and material on job requirements, training opportunities, employee development manuals, and other employee development literature.
- Prepare records of training for employees who satisfactorily complete employee development programs and transmit a copy of the record to the Administrator to be placed in the employee's personnel file.
- Assess the effectiveness of completed career development programs and make recommendations for improvement where appropriate.
- Assure that employees are provided with sufficient information, encouragement, and time to participate in career development programs.

## CHAPTER X

### EMPLOYEE ASSOCIATIONS

#### **1001 Policy.**

Princeton recognizes the right of its employees to join, assist and be represented by an employee organization or organizations, or to refrain from such activity subject to statutory restrictions thereto. Accordingly, nothing herein shall prevent employees from organizing themselves into appropriate associations for the purpose of meeting and bargaining collectively with Princeton representatives regarding the items and conditions of their employment. Such association or associations may be organized formally or informally at the employees' option subject to statutory provisions.

#### **1002 Forms of Agreements.**

All negotiated agreements with an employees' association shall be reduced to writing and shall be signed by the representatives of Princeton and the employee association. A fully executed copy of the agreement shall be filed with the representative of the employee association, the New Jersey Public Employment Relations Commission and the Administrator's Office where it shall be available for inspection by employees and the public.

#### **1003 Provisions of Manual to Remain in Effect.**

Notwithstanding the provisions of any such negotiated agreement, the provisions of this manual of personnel policies shall continue in full force and effect with regard to employees represented in such agreement and shall remain operative to such employees, unless specific provisions are set forth therein in express contravention of the policies and practices set forth in this manual, in which event the provisions of said agreement shall prevail. The agreement shall specify which provisions of the manual are contravened.

#### **1004 Association Activities.**

For the purposes of this manual, activities of Princeton employees in an employees' association shall be subject to the provisions of this manual pertaining thereto.

#### **1005 Strike and Job Actions.**

1005.1 No employee, or group of employees collectively, shall engage in a strike or take any other concerted action (including abuse of sick-leave, work slow-downs, or any other means of disrupting normal Princeton operations) designed to obstruct or disable the proper functions of the municipality.

1005.2 Employees who engage in any such prohibited activity shall be subject to disciplinary action, up to and including dismissal.

## CHAPTER XI

### EMPLOYEE WORK RULES AND STANDARDS

#### **1101 Purpose.**

The orderly and efficient operation of municipal government requires that certain employee work rules and standards be established and known to all employees. Rules covering standards of personal conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service, and to protect Princeton's good will and property.

#### **1102 Administrative Responsibility.**

The Administrator shall be responsible for the overall administration of employee work rules, including revisions, deletions, or adoption of new rules. Department Heads shall be responsible for ensuring that these rules are known to employees and observed in their respective departments, and shall apprise the Administrator of the need for new or revised employee work rules.

#### **1103 Employee Work Rules.**

The following work rules and standards shall be applicable to all Princeton employees. This list is not intended to be all-inclusive, and Princeton, as it deems appropriate, shall establish and apprise employees of additional rules to ensure the effective operation of the town government. Failure to observe the rules promulgated below may be considered grounds for disciplinary action.

##### **1103.1 Hours of Work.**

The following hours of work apply to Princeton employees:

**Police:** The work hours of police officers shall be established and scheduled by the Chief of Police or his designee. Police officers ordinarily work twelve-hour shifts scheduled by their command officers. Other police officers shall work a forty (40) hour workweek.

**Public Works:** The work hours for employees of the Public Works Department shall be Monday through Friday, with one-half (1/2) hour for lunch, resulting in a forty (40) hour workweek.

**Other Full-time Employees:** For all other full-time employees the working hours shall be 9:00 AM to 5:00 PM daily, Monday through Friday, with one (1) hour for lunch, resulting in a thirty-five (35) hour workweek. Department Heads or Management Staff, with the approval of the Administrator, may permit staff to work flex hours. Lunch hours may not be taken at the beginning or end of a shift to shorten the work day.

Hourly, Part-time, Temporary and Seasonal Employees: Hours of work for part-time, hourly, temporary and seasonal employees shall be established by the responsible Department Head with the approval of the Administrator.

Custodians and Maintenance Personnel: Custodians and employees engaged in the maintenance of municipal buildings and grounds shall observe a forty (40) hour workweek, as scheduled by their respective supervisors.

Exceptions:

Emergencies: Management Staff or a Department Head may require any employee to be in attendance for work at any time after determination that public exigency or emergency so requires.

Individual exceptions to these working hours shall be granted only upon recommendation of the department head and approval by the Administrator

General exceptions to these working hours, which would alter the operations of an entire department, may be made upon recommendation of the department head and approval by the Administrator.

Certain employees appointed as secretaries to Boards or Commissions shall attend the meetings of these agencies.

Employees must be at their designated work area on time and ready to work. During working hours, employees shall remain at their work area, at work, until the scheduled quitting time.

Where the operations are continuous, employees shall not leave their posts until replaced by the next shift employee or until relieved by their supervisor.

Employees shall immediately report to their supervisor their inability to report to work as scheduled and the reason therefore.

1103.2 Lunch Periods.

Lunch periods shall be specified by the Department Head, who is responsible for ensuring that duty stations will be covered during the period. The normal maximum time allowed for lunch break for employees in Princeton offices is one hour. Employees of the Public Works Department are allowed one-half hour for lunch. Standard lunch time hours shall be between the hours of 12 noon and 2pm unless approved by the Department Head. Lunch hours may not be taken at the beginning or end of a shift to shorten the work day.

Break Policy: Full-time employees are allowed a maximum of two six-minute breaks, and part-time employees, a maximum of one six-minute break a day, with the approval of

your Department Head. Breaks are defined as leaving one's worksite for non-work related activities.

### 1103.3 Tardiness.

Punctuality in public service is of the utmost importance. Tardiness shall be recorded in the attendance system. Chronic or recurring tardiness shall be reported to the Administrator for appropriate action, including disciplinary action up to and including dismissal.

### 1103.4 Absences.

Scheduled absences such as vacations, personal leave, blood donation, jury duty and compensatory time off, shall be scheduled in advance with the employee's supervisor.

Unscheduled Absences. All unscheduled absences shall be reported immediately by or for the employee to his or her immediate supervisor. Failure to report unscheduled absences shall constitute unexcused absence and may result in disciplinary action and loss of benefits for which the employee would otherwise be eligible.

Unexcused Absence. Unexcused absences shall be charged against employee's accrued time off, and if the employee has not accrued any time off, shall result in payroll adjustment. Unreported or unexcused absences shall constitute grounds for disciplinary action, including dismissal.

Leave of Absence. Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of Princeton.

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

Medical Leave. See sick leave Chapter VII.

Maternity Leave. See family leave Chapter VII.

Personal Leave. See personal leave Chapter VII..

Funeral Leave. In the event of a death in an employee's immediate family, or the death of a relative who resides with the employee, the employee will be granted a leave of absence with full compensation from the day of death to the day of burial, inclusive, but not to exceed a total of five (5) days. Immediate family shall include husband, wife, domestic partner, civil union partner, mother, mother-in-law, father, father-in-law, son, son-in-law, daughter, daughter-in-law, sister, sister-in-law, brother, brother-in-law, grandmother, grandfather, and grandchild. An extension of such leave, not to exceed two (2) days, may be granted for purposes of necessary travel, subject to the prior written approval of the Administrator.

Compensatory Time. Exempt employees, Department Heads and Management Staff should account of their hours of extra time worked. However, they are not eligible to accrue compensatory time. They may from time to time receive administrative time off with the approval of the Administrator. This administrative time shall not be accrued or used on an hour for hour basis.

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 required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. 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. Thereafter, the leave shall be without pay but without loss of time. 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.

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

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.

Jury Duty. A permanent employee who is called for jury duty shall be granted an excused absence with pay, less any compensation received for such duty, during the required period of jury duty. Such employees shall notify their department head and the Administrator immediately following receipt of the call to jury duty, a copy of which shall be presented to the Administrator for purposes of verification prior to taking leave for such duty. If the employee is required to attend and serve on a jury, the employee must provide proof of attendance from the court. Copies will be supplied to the Administrator for the purpose of verification and record keeping.

Date of Return to be Specified. Employees requesting leave other than medical leave, personal leave, or funeral leave shall specify the date on which they will return to the town service. Employees on leave who intend to return prior to the specified date of return shall notify the Administrator's office at least two (2) weeks prior to returning to work.

#### 1103.5 Time and Attendance Records.

Complete and accurate attendance reports are necessary for efficient payroll and personnel management operations. All employees are required to accurately record the days and hours worked in the computerized attendance software provided by the town. Management Staff, Department heads, or other designee approved by the Administrator, shall be responsible for certifying the accuracy of attendance records entered by employees of their respective departments. All attendance records will be monitored for compliance to Princeton regulations by the Administrator's office.

Employees shall not alter or enter data into another employee's attendance records. Accessing or altering another employee's confidential time and attendance records can lead to disciplinary action up to and including termination.

#### 1103.6 Personal Business

Employees shall not conduct personal business during working hours.

Employees shall not use municipal telephones for personal calls except in the case of emergencies.

Employees shall not use municipal materials, supplies or equipment for private or personal business without prior authorization.

Employees may engage in work-related personal business on municipal premises, subject to prior approval of the Administrator.

Employees who voluntarily engage as a group or a team, in social, athletic or recreational activities with other employees shall do so at their own risk. Princeton assumes no responsibility for the consequences of such activity.

#### 1103.7 Political Activity, and Conflict of Interest

(a) Political Activity Policy. Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using municipal time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Administrator, HR Manager or the Town Attorney.

(b) Conflict of Interest Policy. Employees including 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 Princeton. Violations of this policy will result in appropriate discipline including termination.

Princeton recognizes the right of employees to engage in outside activities that are private nature and unrelated to Princeton business. However, business dealings that appear to create a conflict between the employee and Princeton'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 Municipal Clerk a state mandated disclosure form. The Municipal Clerk will notify employees and officials subject to the filing requirements of the Act.

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

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

#### 1103.8 Work Standards.

In addition to professional standards of job performance expected of employees in various positions, the following minimum work standards shall apply:

Employees shall not restrict, delay, interrupt, or interfere with the work of others.

Employees shall report for and remain at work only in a fit physical condition, as determined by their supervisors.

Employees shall not neglect their duties and responsibilities or refuse to perform assigned work.

Employees shall not engage in immoral conduct, fight, engage in horseplay, gamble, or use loud or abusive language while on duty or on municipal property.

Employees shall be responsible for and shall not misuse municipal property, records, or other materials in their care, custody or control. Municipal property, records or other materials shall not be removed from the premises without prior written authorization by the Administrator.

Employees shall avoid littering and cluttering work areas. No items shall be placed on the workstation walls or department walls without the permission of the Administrator. Personal items in the work area must be kept to a minimum. Employees should refrain from Eating food/snack at their workstations or have the snack shielded from public view. To the extent possible food should be consumed in the lunchroom area.

Employees shall deal with the public and other employees in the municipal service in a courteous and professional manner.

Except for police officers acting in a required capacity, employees shall not possess firearms or weapons during working hours or on municipal property without prior approval of the Administrator.

Employees shall not engage in the use of intoxicating beverages or non-prescription narcotic drugs during working hours or on municipal property. Employees shall not report to work while under the influence of such beverages or drugs.

Employees shall not falsify records or reports, or claims of illness or injury.

#### 1103.9 Safety.

Princeton will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). Princeton 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 public unsafe condition, practice, procedure or

act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving town facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

A Safety Committee has been appointed and it meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

1103.10 Parking.

Employees shall only park in areas designated by the Administrator and shall not park in prohibited or reserved areas.

1103.11 Change in Personnel Data.

Employees shall notify the Administrator immediately, in writing, whenever there is a change in their personal data – address, name, marital status, age qualification for benefits – or that of their dependents.

1103.12 Departmental Work Rules.

Employees shall observe (and perform in accordance with) such additional work rules, regulations and procedures as may be promulgated from time to time by their respective Department Heads and approval by the Administrator.

1103.13 Outside Employment.

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

Full-time department heads, being career professionals, are expected to devote their full time to the Princeton service. No full-time department head shall engage in gainful outside employment of any form which conflicts with hours of service required by Princeton.

An employee who engages in outside employment during sick leave, temporary disability or long-term sick leave shall be subject to disciplinary action, which may include dismissal.

1103.14 No Smoking Policy.

Smoking is prohibited in all municipal buildings and vehicles. Within the Municipal office Building, the Administrator shall designate an area outside the building as a smoking area. An employee working within Municipal Office Buildings shall only be permitted to smoke within this designated area. With regard to other buildings, including, but not limited to the Recreation Building, Public Works Department Building and the Valley Road Building, the Administrator in consultation with the department heads located within said building shall designate smoking areas outside of said buildings. Smoking shall only be permitted in these designated areas.

**1103.15 Dress Code.**

Employees should present the best possible appearance to the public, so as to represent Princeton in a professional manner. Employees whose positions include contact with the public are expected to dress in normal business attire appropriate to their positions. Those employees whose work duties involve inspections and other fieldwork may dress more informally, but are expected to wear clean and neat attire. All employees are to practice good grooming.

Uniformed employees shall not wear their uniforms, or any part of their uniforms, while off duty.

The practice of observing “Casual Day” on Fridays, which permits employees to dress more informally, shall be at the discretion of the Department Heads. Casual Day will not apply to uniformed employees.

**1103.16 Drugs and Alcohol Policy.**

**A. Purpose.**

In order to comply with the Federal Anti-Drug Act of 1988 and to maintain a drug-free workplace, it is the policy of Princeton to provide a safe, healthful and productive work environment for all employees. To that end, Princeton will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee’s ability to safely and effectively perform his / her functions for a particular job) which increases the potential for accidents, absenteeism, substandard performance and poor employee morale, or tends to undermine public confidence in Princeton’s workforce.

This policy provides guidelines for the detection of alcohol and drug abuse. It also outlines the responsibilities of management and employees.

All employees covered by this policy should be aware that violations of the policy may result in disciplinary action, up to and including termination.

In recognition of the serious duties entrusted to the employees of Princeton, with knowledge that drugs and alcohol do hinder a person’s ability to perform duties safely

and effectively, the following policy regarding drug and alcohol abuse is hereby adopted by Princeton.

**B. Policy.**

It is the policy of Princeton that employees shall not:

1. Report to work under the influence of alcohol and drugs;
2. While on duty or on call, use possess, sell or provide drugs or alcohol to any other employee or to any other person;
3. Have their ability to work impaired as a result of the use of alcohol or drugs.

While the use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his / her supervisor, before beginning work, when taking medications or drugs which may interfere with the safe and effective performance of duties or operation of municipal equipment can result in disciplinary action, up to and including discharge. In the event there is a question regarding an employee's ability to safely and effectively perform duties while using such medications or drugs, clearance from a physician selected by the Administrator will be required. The supervisor 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.

Refusal to submit immediately to an alcohol and / or drug analysis when requested to do so, for cause, by a superior will be deemed insubordination which in itself will constitute a basis for disciplinary action.

**C. Application.**

1. Personnel.
  - a. All civilian employees of Princeton.
2. Substances.
  - a. Alcohol;
  - b. Illegal drugs;
  - c. Legal drugs and other substances, which may impair an employee's ability to safely and effectively perform the functions of the particular job.

**D. Employee Responsibilities.**

1. An employee of Princeton must:
  - a. Not report to work while his / her ability to perform job duties are impaired due to alcohol or prescription / non-prescription drug use;
  - b. Not use, possess, sell or provide drugs or alcohol to others, while on duty, during lunch or on town property;
  - c. Submit immediately to a request for alcohol and / or drug analysis when requested to do so, for cause, by a superior;
  - d. Provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when a drug screen / analysis is positive. The prescription must be in the employee's name.
  - e. Notify their supervisor within five (5) days of conviction of a drug or alcohol related, whether or not the violation occurred in the workplace.

**E. Management Responsibilities and Guidelines.**

1. Management Staff, Department Heads and supervisors are responsible for consistent enforcement of this policy. Any manager or supervisor who knowingly permits a violation of this policy by employees under his / her direct supervision shall be subject to disciplinary action.
2. Management Staff, Department Heads and supervisors shall request that an employee submit to a drug and / or alcohol analysis when the Department Head or supervisor has a reasonable suspicion that an employee is under the influence of alcohol or drugs. "Reasonable suspicion" means a belief based on objective facts sufficient to lead a reasonably prudent manager / supervisor to suspect that an employee is under the influence of alcohol or drugs.
3. The following factors, either alone or in combination, may constitute reasonable suspicion that an employee may be under the influence of alcohol or drugs;
  - a. Slurred speech;
  - b. Odor of alcohol or drugs on breath;
  - c. Inability to walk a straight line and maintain balance
  - d. An accident involving municipal property together with one or more of the other criteria here listed;

e. Physical or verbal altercation together with one or more of the other criteria here listed;

f. Behavior, which is so unusual, that it warrants summoning a supervisor or any one else with authority

g. Possession of alcohol or drugs;

h. Absenteeism together with one or more of the other criteria here listed.

4. Any Management Staff, Department Head or supervisor requesting an employee to submit to a drug and / or alcohol analysis should immediately notify the Administrator or his / her designee to meet him / her to observe the employee's behavior. If the Administrator concurs that there is a reasonable suspicion that the employee is under the influence of alcohol or drugs, then the following procedure shall immediately be applied:

a. An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be instructed to wait for a reasonable amount of time until an authorized Princeton representative can transport the employee from the worksite.

b. Any Management Staff, Department Head or supervisor requesting that an employee submit to a drug and / or alcohol analysis shall be responsible for the employee's transport to the Corporate Health Services of the Princeton Medical Center or any other designated service provider where a drug / alcohol test will be requested.

c. The Management Staff, Department Head or supervisor should document in writing the facts supporting a reasonable suspicion that the employee in question is under the influence of alcohol or drugs. A copy of such written documentation, along with a signed authorization form by the employee, shall accompany the employee to the Corporate Health Services.

d. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Management Staff, Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

e. Management Staff, Department Heads and supervisors shall not physically search employees. However, the search of an employee's locker, desk or office is permitted with probable cause.

f. Management Staff, Department Heads and supervisors shall notify the Princeton Police Department when they have a reasonable suspicion that an employee

may have illegal drugs in his or her possession or in an area not jointly or fully controlled by Princeton.

g. In the event that the Corporate Health Services is closed at the time testing is requested, the employee shall be brought to the Princeton Medical Center emergency room for testing. The employee shall consent to blood alcohol testing and / or urinalysis, as recommended by the authorized supervisor, and shall consent to disclosure of the results to the employee's Management Staff or Department Head. The hospital or the Corporate Health Services shall be responsible for maintaining the appropriate chain of custody forms and for utilizing a medically acceptable reliable testing procedure.

#### **F. Drug and / or Alcohol Test Procedures.**

When an employee is to be referred to the Corporate Health Services or to a local hospital for a drug and / or alcohol test, the following procedures shall be utilized:

1. A waiver should be signed giving permission to perform the test and authorization to release the results of the test to Princeton, before the employee arrives at the medical facility. The test procedure is explained to the employee and any other questions answered by the medical provider.

2. In the event that the employee refuses to sign the waiver, that fact shall be noted and the individual will be subject to appropriate disciplinary action for insubordination.

3. When testing for drugs other than alcohol, the medical provider is to present the employee with a special empty sterile container and the sanitary seal on the container is to be broken in front of the employee.

4. The employee is accompanied by a representative of the medical provider to a restroom to give a urine sample.

5. The employee then enters a restroom and produces the urine sample. In order to prevent tampering, the observer remains outside the restroom to listen for the normal sound of urination and to collect the sample immediately after urination, but the observer does not visually observe the act of urination.

6. The employee then leaves the restroom and presents the bottle containing the sample to the observer.

7. To ensure that a previously collected sample has not been proffered, the observer shall reject an unusually hot or cold sample.

8. When testing for alcohol, a qualified medical provider will draw blood in a medically acceptable manner after having cleaned the skin area with a non-alcoholic antiseptic and with at least one witness present.

9. In the case of either a blood or urine sample, the observer places a tamper-proof seal on the bottle along with a label affixed to the bottle with the employee's name and date of the test. The employee is also asked to initial the label.

10. The observer signs a chain-of-custody form signifying that the procedures have been followed and then seals the sample in a bag, which is then delivered to the chosen laboratory.

11. The laboratory, which receives the sample, shall maintain both a tracking system and the chain-of-custody record.

12. If the confirmatory tests done are negative, the overall test is considered negative. A single test using gas-chromatography / mass spectrometry may be used without a screening test.

13. The positive test samples are retained and frozen by the laboratory for a period of six months so that an employee appealing an adverse disciplinary action has the opportunity to have the sample retested by a laboratory of his / her own choosing.

14. The laboratory forwards the results to the physician of record, who shall in turn forward the results of the test to the Administrator. In the event the testing is done through a local hospital, the local hospital shall forward such results to the Corporate Health Services of the Medical Center at Princeton.

15. If a substance analysis is positive, the Administrator shall conduct an investigation to gather all facts. The decision to discipline will be carried out in conformance with Princeton's disciplinary procedures.

16. A positive test result from a substance abuse analysis will result in counseling and / or disciplinary action.

#### **G. Confidentiality.**

Laboratory reports or test results shall appear in an employee's confidential medical file. The reports or test results may be disclosed to the Administrator on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without employee consent, may also occur when:

1. The information is compelled by law or by judicial or administrative process.

2. The information has been placed at issue in a formal dispute between Princeton and the employee.

3. The information is to be used in administering an employee benefit plan.

4. The information is needed by medical personnel for the diagnosis or treatment of an employee who is unable to authorize disclosure.

5. Management Staff, a supervisor or Department Head will automatically refer an employee to the Confidential Advisory Service based upon reasonable suspicion.

#### **H. Severability.**

The provisions of this policy are severable and if any of its provisions shall be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions.

### **II. SUBSTANCE ABUSE POLICY FOR CDL.**

#### **A. Glossary.**

Accident – An accident occurs when either road vehicle involved suffers disabling damage and is towed away from the scene or there has been an injury requiring immediate medical treatment away from the scene or a human fatality.

Adulterated Specimen – A specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or Content) – The alcohol in volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by breath test under this Policy.

Alcohol Use – The consumption of any beverage, mixture or preparation (including any medication) containing alcohol.

Commercial Driver's License Holder (CDL) – Any person who, pursuant to law, is required to possess a Commercial Driver's License (CDL) in the performance of their duties.

Commercial Motor Vehicle (CMV) – A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1. has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. has a gross vehicle weight rating of 26,001 or more pounds;

3. is designed to transport sixteen (16) or more passengers including the driver; or,

4. is of any size and is used in the transportation or materials found to be hazardous for the purposes of the Haz-Mat Transportation Act and which requires the motor vehicle to be placarded under the Haz-Mat Regulations (49 CFR Part 172, Subpart F).

Confirmation Test – Confirmation for alcohol testing means a second test following a screening test as the result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substance testing, it means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique in chemical principal from that of the screen test in order to insure reliability and accuracy. Gas chromatograph / mass spectrometry is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, phencyclidine.

Conviction – Finding of guilt or a pleading of no contest or the imposition of a sentence, or both, by a judicial body charged with the responsibility to determine violation of Federal or State criminal drug / alcohol statutes.

Drug Controlled Substances – Includes, but is not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

Employee – A person, including a volunteer or transferee employed to perform safety sensitive functions. For the purposes of pre-employment the term “employee” includes any person applying for a position requiring the performance of safety-sensitive functions.

FHWA – Federal Highway Administration.

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by Princeton’s’ drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his / her medical history and any other relevant biomedical information.

Moving Violation – Any violation of State or local law, which results in the issuance of a summons, which is directly related to the movement of a vehicle.

Refuse to Submit – To submit to an alcohol or controlled substances test means that an employee fails to provide adequate breath for alcohol testing or to provide a urine sample without a valid medical explanation after he / she has received notice of the requirement to be tested in accordance with the provisions of this policy, or engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Functions – Means all time from the time a driver begins to work or is required to be in readiness to work until the time he / she is relieved from work and all responsibility for performing work. Safety sensitive function shall include:

1. all time at an employer or ship or plant terminal facility or other property or on any public property waiting to be dispatched unless the driver has been relieved from duty by the employer;
2. all time inspecting, servicing or conditioning any commercial motor vehicle at any time;
3. all time spent at the driving controls of a commercial motor vehicle in operational;
4. all time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle;
5. all time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle or in giving or receiving receipts for shipments loaded or unloaded and all time other than driving time in or upon any commercial motor vehicle.

Screening Test (or Initial Test) – In drug testing, a test to eliminate negative urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva sample.

Split Specimen – An additional specimen collected with the original specimen to be tested in the event the original specimen tests positive.

Standby – An employee who has been directed by his / her supervisor to be waiting at home or elsewhere for a call to return to work, outside his / her scheduled working hours, is subject to Princeton's policy concerning alcohol and controlled substances use.

Substance Abuse Professional (SAP) – A licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders.

US DOT – United States Department of Transportation.

**B. Purpose.**

The purpose of Princeton's CDL Alcohol and Drug Policy is to establish a program designed to help prevent accidents and injuries resulting from the use and misuse of alcohol or use of controlled substances by drivers of a commercial motor vehicle (CMV).

This Policy has also been implemented in order to comply with the Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by the Federal Highway Administration (FHWA) and the US Department of Transportation (US DOT).

**C. Policy.**

**MANDATED FOR EMPLOYEES WITH COMMERCIAL DRIVERS LICENSES (CDL)**

Under the regulations of the Federal Highway Administration (FHWA), all employees are prohibited from engaging in unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances pursuant to the Drug-Free Workplace Act of 1988.

Alcoholism and drug addiction are treatable diseases and Princeton shall assist employees in overcoming dependence upon or problems with alcohol or drugs, if the employee is willing to follow a prescribed and approved rehabilitative process through referrals to appropriate agencies.

All CDL Holders drug / alcohol testing results and records are maintained under strict confidentiality by the Administrator or his / her designee, the drug testing laboratory, and the Medical Review Officer (MRO). This information cannot be released without the written consent of the CDL Holder.

Any question(s) regarding the Drug / Alcohol Testing Policy can be answered by contacting the Administrator or his / her designee.

**D. Applicability.**

All CDL Holders shall be subject to alcohol and controlled substances testing during working hours or on-duty time including a stand by and call-in time. An employee who is called back pursuant to call-in or stand by following a regular shift may be tested if his / her supervisor has reasonable suspicion that the employee's behavior, speech and / or performance indicates alcohol or controlled substances use or misuse. When an employee is called back, he / she shall notify the supervisor that alcohol was consumed during the off-period and that he / she cannot report to work. The supervisor may elect to have the employee subject to drug and / or alcohol testing in conformance with this Policy for verification purposes. If the employee was notified of the possibility of being

called back for an emergency, then some form of discipline may result. Employees are cautioned that if they report for call-in or stand by in violation of the Princeton CDL Drug and Alcohol Testing Policy, then they are susceptible to testing and must face the penalties outlined within the Policy for a positive drug or alcohol test. Furthermore, if the employee does not report to work because of alcohol consumption, the employee forfeits his / her pay for the stand by or call-in time and risks some form of disciplinary action for this behavior.

Authority.

US Department of Transportation – Federal Highway Administration Title 49 CFR, Subtitle B, Chapter III, Parts 382, 391, 392, 395 and 49 CFR Part 40.

**CONFIDENTIAL SELF-HELP FOR SUBSTANCE ABUSE**

If any Princeton employee wishes to seek help for a substance abuse problem, the employee may voluntarily contact the Employee Assistance Program directly to arrange a fully confidential appointment with a counselor. All discussion between the employee and counselor is strictly confidential. Your employer, Princeton, and fellow employees will have no knowledge of your request for help.

**E. Procedures.**

1. Alcohol Testing.

a. Alcohol Possession and Use.

(1.) Any CDL Holder required to perform a safety-sensitive function shall not report for or remain on duty while having an alcohol concentration of 0.02 or greater. Any supervisor having actual knowledge that a driver has an alcohol concentration of 0.02 or greater shall not permit same to perform or continue to perform safety-sensitive functions.

(2.) Any CDL Holder shall not use alcohol while performing a safety-sensitive function. Any supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall not permit him or her to perform or continue to perform safety-sensitive functions.

(3.) Any CDL Holder shall not use alcohol within the four (4) hours preceding the performance of safety-sensitive functions. Any supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall not permit a CDL Holder to perform or continue to perform safety-sensitive functions.

(4.) Any CDL Holder who shall be required to take a post-accident test shall not use alcohol for eight (8) hours following the accident or until he / she undergoes the post accident test, whichever occurs first.

(5.) Any CDL Holder shall not refuse to submit to any alcohol test required by this Policy or US Department of Transportation Mandate. Any supervisor shall not permit a driver who refuses to submit to testing to perform or continue to perform safety-sensitive functions.

b. Pre-employment / Pre-Duty

(1.) Upon making an offer of employment to an applicant who shall be required by law to maintain a CDL, Princeton will inform said potential CDL Holder that the offer is contingent upon successful completion of a test for alcohol and controlled substances use.

(2.) Prior to the first time a driver performs safety-sensitive functions for Princeton, the driver shall undergo testing for alcohol and controlled substances.

(3.) The applicant shall be available for pre-employment breath alcohol testing. Said testing shall be conducted in accordance with the mandates listed in Section I.A. of this Policy and the US Department of Transportation 49 CFR 40.

(4.) Those persons who undergo a pre-employment alcohol test indicating a blood alcohol concentration of 0.02 or greater shall not be hired to perform safety-sensitive functions.

(5.) Current employees transferring from one position to another with the former not including a safety-sensitive function shall undergo a pre-duty alcohol test indicating a blood alcohol concentration of less than 0.02 prior to beginning said function.

c. Post-Accident Alcohol Testing

(1.) Employees shall be required to undergo an alcohol test when involved in an accident, which results in the following:

(a.) human death;

(b.) bodily injury to a person who immediately receives medical treatment away from the accident;

(c.) one or more vehicles are disabled and must be towed from the scene;

(d.) the employee performing the safety-sensitive function is issued a traffic summons for a moving violation as a result of said accident.

(2.) In the event of an accident occurring as described above, the CDL Holder shall be required to follow reporting requirements in Section N, including remain at the scene, and be readily available to undergo alcohol testing. The employee shall be escorted to the testing site by a supervisor, or his / her designee, and / or any law enforcement official.

(3.) Any CDL Holder subject to post-accident testing as required by this section, who leaves the scene of an accident before an alcohol test is administered or who fails to remain readily available for testing shall be deemed to have refused to submit to breath alcohol testing.

(4.) Princeton shall provide drivers with the necessary post-accident information, procedures and instructions prior to a driver operating a CMV.

(5.) All testing required by this Section shall be performed by Princeton or its authorized agent not more than two (2) hours after the time of the accident. A report stating the reasons why the test was not administered shall be filed by a supervisor, or his / her designee, if the alcohol test is not done within two (2) hours. If an alcohol test cannot be done within eight (8) hours of the accident, then testing must be abandoned. The time of the accident shall be determined by the hour utilized on the New Jersey Police Accident Report.

(6.) Law Enforcement Agencies with the authority to do so may perform the alcohol testing required by this Section provided it is performed in compliance with US DOT requirements.

(7.) Princeton and employees holding a CDL shall comply with all Federal Regulations regarding punitive action whether the tests are performed by law enforcement agencies or by an agent of Princeton.

d. Random Alcohol Testing.

(1.) Princeton shall randomly test a minimum of twenty-five percent (25%) of its CDL Holders annually. The total number of employees subject to this random testing shall be based on the total number of affected CDL Holders. Future percentages shall depend upon the US DOT.

(2.) Random testing shall be unannounced and the dates shall be spread reasonably throughout the year.

(3.) A CDL Holder may only be tested for alcohol use while he / she is performing safety-sensitive functions, just before performing safety-sensitive functions or just after performing safety-sensitive functions. All testing shall be done during normal duty hours. Employees shall be escorted to the testing site by a supervisor. The employees, after learning of their selection for testing, shall remain in a specified area under the supervisor's observation at all times until being escorted to the testing site.

(4.) The selection of drivers shall be made by a scientifically valid lottery-type system. Under this selection process, each driver shall have an equal chance of being tested each time the selections are made. Therefore, a CDL Holder may not be selected at all during the course of the year or he / she may be selected several times.

(5.) Upon notification of selection for testing, the selected CDL Holder(s), accompanied by a supervisor, shall report directly to the testing site. In the event that the selected CDL Holder is performing a safety-sensitive function at the time of notification, he / she shall cease said function consistent with safety and proceed to the testing site as soon as possible.

(6.) In the event that a CDL Holder is off from work, his / her name shall be skipped and the next person's name on the list shall be selected and tested. The skipped CDL Holder's name shall be returned to the system for the next round of testing.

e. Reasonable Suspicion Alcohol Testing.

(1.) Princeton shall require a driver to submit to an alcohol test when there is reasonable suspicion that the driver is under the influence of alcohol. The trained supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of alcohol.

(2.) All persons who supervise CDL Holders shall undergo a minimum of one (1) hour of classroom training. The training shall minimally include:

(a.) Sixty (60) minutes of detecting and recognizing the physical, behavioral, speech, and performance indicators of probable alcohol misuse particularly those associated with lower concentrations of alcohol.

(3.) When a trained supervisor or other trained Princeton Official has reasonable suspicion that a CDL Holder may be under the influence of alcohol he / she shall:

(a.) complete the Observed Behavior Reasonable Suspicion Record following the appropriate instructions;

(b.) contact the Administrator or his / her designee to report the occurrence immediately. The supervisor shall be given instructions as to what action shall be taken (i.e., drive the CDL Holder in question to the acknowledged site for breathalyzer testing).

(4.) Alcohol testing is authorized by this Section only if the required observations are made just before, during or immediately after performing safety-sensitive functions.

(a.) Alcohol testing shall be conducted no more than two (2) hours after the reasonable suspicion determination has been made by the supervisor.

(b.) If said testing is not performed within the two (2) hour period, a report shall be prepared by the supervisor and forwarded to the Administrator or his / her designee indicating the reason(s) for not promptly administering same.

(c.) If testing is not performed within eight (8) hours of the reasonable suspicion determination, attempts at testing shall cease and the supervisor shall prepare a report indicating the reason(s) for not promptly administering same.

(5.) An Observed Behavior Reasonable Suspicion Record signed by the supervisor who made the observations leading to an alcohol test is required. This record must be received by the Administrator or his / her designee within 24 hours of observations or before results of the test are released, whichever is earlier.

f. Return to Duty Alcohol Testing.

(1.) Prior to returning to a safety-sensitive function, any CDL Holder who was determined to have engaged in alcohol related conduct prohibited by this Policy and the US DOT Mandate shall undergo a return to duty alcohol test. The CDL Holder shall be allowed to return to duty only with a result indicating a blood alcohol concentration of less than 0.02.

g. Follow-Up Alcohol Testing.

(1.) Any CDL Holder who has required referral, evaluation and / or treatment by a Substance Abuse Professional (SAP) for alcohol use, shall be subject to unannounced follow-up testing as directed by the SAP.

(2.) Follow-up testing for alcohol use as required by this Section shall only be performed just before, during or immediately after performing a safety-sensitive function.

(3.) Testing shall not occur less than six (6) times in the first twelve (12) months following the CDL Holder's return to duty, nor shall testing extend more than five (5) years from the time he / she returned to duty.

(4.) The SAP may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if he / she determines that they are no longer required.

(5.) The employee shall be further evaluated by the SAP to ensure that he / she has properly followed any prescribed rehabilitation program.

2. Controlled Substances Testing.

a. Requirements of Controlled Substances Testing.

(1.) All testing shall be done by urine sample by a certified laboratory with the results being reviewed by an MRO.

(2.) Testing shall be done for the following controlled substance:

(a.) Marijuana (THC Metabolite)

(b.) Cocaine

(c.) Amphetamines

(d.) Opiates (including Heroin)

(e.) Phencyclidine (PCP)

(3.) Tests are only used for screening and are not subject to legal action or to have violations applied to the employee's CDL.

b. Controlled Substances Possession and Use.

(1.) Any CDL Holder who may be required to perform a safety-sensitive function shall not report for or remain on duty in violation of the FHWA Mandates. If a CDL Holder is required to take a prescription medication pursuant to the instruction of a licensed physician, he / she shall provide documentation of same which effectually states that said medication does not adversely affect the ability of the employee to safely perform a safety sensitive function. This documentation shall be presented to the employee's supervisor who will forward same to the Administrator or his / her designee.

(2.) Any supervisor having actual knowledge that a CDL Holder has used controlled substances shall not permit the employee to perform or continue to perform safety-sensitive functions in violation of FHWA Mandates.

c. Pre-Employment / Pre-Duty.

(1.) Princeton, upon making an approved offer of employment to an individual who shall be required by law to maintain a CDL, shall inform said applicant that the offer is contingent upon the successful completion of a test for alcohol and controlled substances use.

(2.) The applicant shall present himself / herself at the testing site on their scheduled date and time for a post-offer controlled substances urine test. This test shall be conducted in accordance with the mandates listed in this Policy and the US DOT 49 CFR, Part 40.

(3.) The applicant who undergoes a pre-employment controlled substances test in which the verified test result indicates positive use shall not be hired.

(4.) Current employees transferring from one position to another with the former not including a safety-sensitive function shall undergo a pre-duty controlled substances test with a verified negative test result prior to beginning said functions.

d. Post-Accident Controlled Substances Testing.

(1.) Employees shall be required to undergo a controlled substance test when involved in an accident, which results in the following:

(a.) human death;

(b.) bodily injury to a person who immediately receives medical treatment away from the accident;

(c.) one or more vehicles are disabled and must be towed from the scene;

(d.) the employee performing the safety-sensitive function is issued a traffic summons for a moving violation as a result of said accident.

(2.) In the event of an accident occurring as described above, the CDL Holder shall be required to follow the reporting requirements in Section N and remain at the scene or be readily available to undergo testing for controlled substances use. The employee shall be escorted to the testing site by a supervisor, he / her designee and / or any law enforcement official.

(3.) Any CDL Holder subject to post-accident testing who leaves the scene of an accident or fails to remain readily available for testing shall be deemed to have refused to submit to a Controlled Substances Test.

(4.) All controlled substances testing required by this Section shall be performed by the certified laboratory as soon as practicable after the time of the accident. The time of the accident shall be determined by the hour utilized on the New Jersey Police Accident Report.

(5.) If a Controlled Substances Test required by this Section is not administered within two (2) hours following the accident, then Princeton shall cease

attempts to administer same and the supervisor shall prepare and forward to the Administrator or his / her designee a report stating the reason why a test was not promptly administered.

(6.) Princeton shall provide drivers with necessary post-accident information, procedures and instructions prior to the driver performing a safety-sensitive function so that drivers shall be able to comply with the requirements.

(7.) Law Enforcement Agencies with the authority to do so, may perform the Controlled Substances Testing required by this Section, provided it is performed in compliance with the Federal DOT's requirements.

(8.) Princeton and CDL Holders described in this Section shall comply with all Federal Regulations regarding punitive action, whether the test performed by law enforcement agencies described above or performed by contracted agents of Princeton.

e. Random Controlled Substances Testing.

(1.) Princeton shall randomly test a minimum of fifty percent (50%) of its CDL Holders annually. The total number of these unannounced tests shall be based on the total number of affected CDL Holders.

(2.) Random testing shall be unannounced and the dates shall be spread reasonably throughout the year.

(3.) A CDL Holder may be tested for controlled substances use at any time during normal working hours. Employees shall be escorted to the site by a supervisor or his / her designee. The employee, after learning of their selection for testing, shall remain in a specified area under the supervisor's observation at all times until being escorted to the testing site.

(4.) The selection of drivers shall be made by a scientifically valid lottery-type system. Under this selection process, each driver shall have an equal chance of being tested each time the selections are made. Therefore, a CDL Holder may not be selected at all during the course of the year or he / she may be selected several times.

(5.) Upon notification of selection for testing, the selected CDL Holder(s), accompanied by a supervisor, shall report directly to the testing site. In the event that the selected CDL Holder is performing a safety-sensitive function at the time of notification, he / she shall cease said function consistent with safety and proceed to the testing site as soon as possible.

(6.) In the event that the CDL Holder is off from work, his / her name shall be returned for future selection and another CDL Holder shall be selected in his / her place. The skipped CDL Holder's name will be returned to the system to the next round of testing.

f. Reasonable Suspicion Controlled Substances Testing.

(1.) Princeton shall require a driver to submit to a controlled substance test when there is reasonable suspicion that the driver is using a controlled substance. The trained supervisor's determination that reasonable suspicion exists to require the driver to undergo a controlled substance test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substance use.

(2.) All persons who supervise CDL Holders shall undergo a minimum of one (1) hour of classroom training. The training shall minimally include:

(a.) Sixty (60) minutes of detecting and recognizing the physical behavioral, speech and performance indicators of probable controlled substances use.

(3.) When a trained supervisor or other trained Official has reasonable suspicion that a CDL Holder may be under the influence of controlled substances, he / she shall:

(a.) Complete the Observed Behavior Reasonable Suspicion Record following the appropriate instructions.

(b.) Contact the Administrator or his / her designee to report the occurrence immediately. The supervisor shall be given instructions as to what action shall be taken (i.e., drive the CDL Holder to the testing site).

(4.) A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is earlier.

(a.) Alcohol testing should this be controlled substances is authorized by this Section only if the observations required by paragraph f.(1.) set forth above are made during, just proceeding or just after the period of the work day. The driver may be directed by the town to only undergo reasonable suspicion testing while the driver is performing safety sensitive functions, just before the driver is to perform safety sensitive functions or just after the driver has ceased performing such functions.

(b.) If that alcohol test should this be controlled substance test and not alcohol test-from here and for the next few pages it talks of alcohol test not controlled substance test required by this Section is not administered within two (2) hours following the determination made under paragraph f. (1.) set forth above, the driver's supervisor shall prepare and forward to the Administrator or his / her designee a record

stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this Section is not administered within eight (8) hours following the determination under f.(1.) set forth above, Princeton shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

g. Return to Duty Controlled Substances Testing.

(1.) Prior to returning to a safety-sensitive function, any CDL Holder who was determined to have engaged in controlled substances use prohibited by this Policy and the US DOT Mandate must have a verified negative result on a return to duty test for controlled substances.

(2.) Notwithstanding the absence of a reasonable suspicion alcohol test under this Section, no driver shall report for duty or remain on duty performing safety sensitive functions while the driver is under the influence of or impaired by alcohol as shown by behavioral speech and performance indicators of alcohol misuse nor shall the driver be permitted to perform or continue to perform safety sensitive functions until:

(a.) an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(b.) 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions in this Policy concerning the use of alcohol.

h. Follow-Up Controlled Substances Testing.

(1.) Any CDL Holder who has required referral, evaluation and / or treatment by the SAP for controlled substances use, shall be subject to unannounced follow-up testing as directed by the SAP.

(2.) Follow-up testing for controlled substances use as required by this Section shall be conducted at any time during work hours.

(3.) In no case shall said testing occur less than six (6) times in the first twelve (12) months following the CDL Holder's return to duty, nor shall testing extend more than five (5) years from the time he / she returns to duty.

(4.) The SAP may terminate the requirement for follow-up testing at any time after the first six (6) tests have been administered if he / she determines that they are no longer required.

(5.) The employee shall be further evaluated by the SAP to ensure that he / she has properly followed any prescribed rehabilitation program.

**F. Penalties for Violation of Policy.**

1. Alcohol Possession, Use and Testing.

a. Any CDL Holder found to be in possession of alcohol or any alcohol containing product shall immediately be removed without pay from the performance of safety-sensitive functions until the next scheduled work period, providing eight (8) hours have elapsed.

(1.) Other appropriate disciplinary action may be imposed consistent with the Princeton Personnel Policies and Practices Manual.

(2.) Possession as indicated above shall constitute immediate grounds for reasonable suspicion. See Section II – E.1. of this Policy.

b. Any supervisor with actual knowledge of alcohol possession shall report the occurrence as outlined in Section II – E.1.

c. The testing for alcohol includes a two-tiered system of consequences for violations of this Policy.

(1.) If a CDL Holder's breath test indicates an alcohol concentration of 0.02 or greater, but less than 0.04, the CDL Holder shall be removed without pay and not be permitted to perform safety-sensitive functions until the next scheduled work period providing twenty-four (24) hours has elapsed or a retest indicates the alcohol concentration has fallen below 0.02.

(2.) If a CDL Holder's breath test indicates an alcohol concentration of 0.04 or greater, the CDL Holder shall be removed without pay and not allowed to return to a safety-sensitive function until evaluated, treated, if required by the SAP, and retested with a result below 0.02.

(3.) The penalty for refusing to submit to alcohol testing required by this Policy and US DOT requirements shall include removal from safety-sensitive functions, treatment as if tested at 0.04 and return to a duty test with a result of less than 0.02.

d. A CDL Holder with a verified positive test result for alcohol shall participate in the Employee Assistance Program (EAP) as a prerequisite to continued employment. Refusal by the employee to participate in the EAP or to complete a treatment program shall be cause for immediate termination of employment. A positive alcohol test is one with a level of 0.04 or greater. A CDL Holder with a test result between 0.02 and .039 will also be subjected to participating in a mandatory counseling program.

In addition to completing the required treatment program, employees shall be subject to the following discipline:

Following the verification of a positive test result for alcohol, there shall be a minimum five (5) day suspension. In the case of an alcohol test result of 0.02, but less than 0.04, the employee shall be suspended for the remainder of that day's work shift unless a pattern developed. The suspension will remain in effect until the retest result is negative. Failure of the employee to present such test result within six (6) weeks from the original incident date shall automatically result in the termination of his / her employment. After two weeks, Princeton reserves the right, for reasons of operational efficiency, to fill the suspended employee's position and in such case, the suspended employee may be entitled to the next available opening providing all other conditions (satisfactory completion of a prescribed treatment program and a negative test result) are met.

Employees found to be in violation of this Policy (verification of a positive alcohol test) on a second occasion will be immediately dismissed.

e. When an employee is repeatedly referred for medical evaluation due to on-the-job behavior, and achieves a negative test result for alcohol, his / her behavior will be addressed by the Department Head / designee through supervisory practices, referral to the EAP and / or possible disciplinary action.

## 2. Controlled Substances Possession, Use and Testing.

a. Any CDL Holder found to be in possession of controlled substances or a product containing controlled substances, in violation of Federal or State Law, shall immediately be removed without pay from the performance of safety-sensitive functions until the next scheduled work period providing two (2) hours has elapsed.

(1.) Other appropriate disciplinary action may be imposed consistent with the Princeton Personnel Policies and Practices Manual.

(2.) Possession shall constitute immediate grounds of reasonable suspicion.

b. Any supervisor with actual knowledge of controlled substances possession shall report the occurrence as outlined in Section II – E.2. or shall be subject to disciplinary action.

c. The testing for Controlled Substances Use shall be conducted by the Princeton's MRO pursuant to 49 CFR 40, et seq and outlined in this Policy.

(1.) Testing shall consist of the CDL Holder providing a urine sample, which shall be split into two (2) separate units and analyzed by an outside laboratory.

(2.) If a CDL Holder tests positive for controlled substances use, he / she shall be removed without pay from safety-sensitive functions and have an opportunity for the second sample to be tested by a second laboratory which shall also be provided by Princeton. See Section VI of this Policy.

(3.) If the second sample verifies the positive test of the first, the CDL Holder shall be required to undergo evaluation, treatment if required by the SAP and a return to duty test indicating a negative test result.

(4.) If a CDL Holder requires that the second vile be tested by an independent laboratory and the test is negative, Princeton shall pay the cost of the test. If the test is positive, the employee shall pay the cost of the test.

(5.) The penalty for refusing to submit to a controlled substances test required by this Policy and the US DOT requirements shall include removal from safety-sensitive functions without pay, treatment as if tested positive and a negative return to duty test.

d. A CDL Holder with a verified positive test result for controlled substances shall participate in the Employee Assistance Program (EAP) as a prerequisite to continued employment. Refusal by the employee to participate in the EAP or to complete a treatment program shall be cause for immediate termination of employment.

In addition to completing the required treatment program, employees shall be subject to the following discipline:

Following the verification of a positive test result for controlled substances, there shall be a minimum five (5) day suspension. The suspension will remain in effect until the retest result is negative. Failure of the employee to present such test result within six (6) weeks from the original incident date shall automatically result in the termination of his / her employment. After two weeks, Princeton reserves the right, for reasons of operational efficiency, to fill the suspended employee's position and in such case, the suspended employee may be entitled to the next available opening providing all other conditions (treatment program and a negatives test result) are met.

Employees found to be in violation of this policy (verification or a positive drug test) on a second occasion will be immediately dismissed.

e. When an employee is repeatedly referred for medical evaluation due to on-the-job behavior and achieves a negative test result for controlled substances, his / her behavior will be addressed by the Department Head / designee through supervisory practices, referral to the EAP and / or possible disciplinary action.

#### **G. Records Retention, Reports and Confidentiality.**

1. Records Retention.

a. Princeton shall retain for a period of not less than five (5) years the following records relating to this Policy:

(1.) Records of CDL Holder's Alcohol Tests in which said results indicate an alcohol concentration of 0.02 or greater.

(2.) Records of CDL Holder's verified positive Controlled Substances Tests.

(3.) Documentation of refusals to submit to required Alcohol and / or Controlled Substances Tests.

(4.) Breath Testing Equipment calibration documentation.

(5.) CDL Holder's evaluations and referrals.

(6.) A copy of each calendar year summary required by the US Department of Transportation and Federal Highway Administration.

b. Princeton shall retain for a period of not less than two (2) years the following records relating to this Policy:

(1.) All records relating to the Alcohol and Controlled Substances collection process and training. This does not include calibrations of breath testing devices as required by Section II.

c. Princeton shall retain for a period of not less than one (1) year the following records relating to this Policy:

(1.) All records of negative and canceled test results with an alcohol concentration of less than 0.02.

(2.) All records of negative and canceled Controlled Substances test results.

d. Princeton shall maintain the following specific records:

(1.) collection log books;

(2.) all documents relating to the random selection process;

(3.) calibration documentation for all breath testing devices;

(4.) documentation of breath alcohol technician training;

- (5.) all documents relating to decisions to administer reasonable suspicion testing for alcohol and / or Controlled Substances;
- (6.) all documents generated in connection with decisions on post-accident testing;
- (7.) all documents verifying the existence of a medical explanation of the inability of the CDL Holder to provide an adequate breath or urine specimen for testing;
- (8.) consolidated annual calendar year summaries as required by the US Department of Transportation and the Federal Highway Administration;
- (9.) the employer's copy of the Alcohol Test Form including the test results;
- (10.) the employer's copy of the Controlled Substances Test, Chain of Custody and Control Form;
- (11.) documents sent by the Medical Review Officer to Princeton;
- (12.) documents relating to the refusal of any CDL Holder to submit to an Alcohol or Controlled Substances Test;
- (13.) documents presented by a CDL Holder to dispute the result of any Alcohol or Controlled Substances Test administered;
- (14.) records related to other violations of this Policy;
- (15.) records pertaining to a determination by the SAP concerning a CDL Holder's need for assistance;
- (16.) records concerning a CDL Holder's compliance with the recommendations of the SAP;
- (17.) materials on alcohol misuse and controlled substances use, awareness and a copy of this Policy;
- (18.) documentation of training requirements of this Policy including the CDL Holder's signed receipt of educational materials;
- (19.) documentation of training provided to supervisors for the purpose of qualifying them to make a determination concerning the need for Alcohol and / or Controlled Substances Testing based upon reasonable suspicion;

(20.) certification that any training conducted relevant to this Policy complies with the requirements of the US Department of Transportation, Federal Highway Administration;

(21.) any and all agreements with the Controlled Substances Testing Laboratory and MRO utilized by Princeton for complying with the Mandate of the US Department of Transportation, Federal Highway Administration;

(22.) names, positions and roles of the persons employed by Princeton who are responsible for maintaining compliance with the Mandates of the US Department of Transportation, Federal Highway Administration;

(23.) monthly laboratory statistical summaries of urinalysis performed by same;

(24.) the Federally Mandated CDL Drug and Alcohol Testing Policy of Princeton;

(25.) the location of all records and the person responsible for maintaining said records.

## 2. Confidentiality.

a. Except as required by law or expressly authorized or required by the US Department of Transportation, Princeton shall not release CDL Holder information contained in records required to be maintained pursuant to Section II.

b. Any affected CDL Holder currently employed by Princeton may request, in writing, copies of any written records pertaining to his / her own use of alcohol and / or controlled substances. There shall be no charge for these records.

c. A CDL Holder's alcohol and controlled substances records shall be made available to a subsequent employer upon receipt of a written request from a CDL Holder. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the CDL Holder's request.

d. Princeton may disclose information required to be maintained under this Section pertaining to a CDL Holder, the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an Alcohol and / or Controlled Substances Test administered under this Policy if Princeton determines that the CDL Holder engaged in conduct prohibited by this Policy (including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the CDL Holder).

e. Princeton shall release information regarding a CDL Holder's records as directed by the specific, written consent of the CDL Holder authorizing release

of the information to an identified person. Release of such information by the person receiving same is permitted only in accordance with the terms of the CDL Holder's consent.

#### **H. Medical Review Officer (MRO).**

1. The MRO shall be the only authorized physician under contract with Princeton for Controlled Substances Testing.

a. The MRO shall forward their company's copy of the Urine Testing, Custody and Control Form to the Administrator or his / her designee upon collecting specimens for analysis by a certified laboratory.

b. The MRO shall ensure that Princeton receives copies of all verified results from laboratories, either positive or negative.

(1.) If a Controlled Substances Test received is positive, the identify should this be identity of the substance(s) shall be included.

(2.) Under this Policy, a verified positive test result allows the CDL Holder an opportunity for a test of the second or split sample as discussed in Section IX of this Policy. Upon notification by the laboratory that the initial sample is positive, the MRO shall contact the affected employee as soon as practicable but in no case later than eight (8) hours.

c. The MRO shall also forward copies of the record which details the notification of the affected CDL Holder to the Administrator or his / her designee.

d. The MRO shall maintain all dated records and notifications, identified by the CDL Holder, for a minimum of five (5) years for all verified positive controlled substances test results.

e. The MRO shall maintain all dated records and notifications, identified by the CDL Holder, for a minimum of one (1) year for negative and canceled Controlled Substances Test results.

f. The MRO shall not release any CDL Holder's Controlled Substances Test results to any person without first obtaining a specific written authorization from the tested CDL Holder.

g. Nothing in this Section shall prohibit the MRO from releasing Controlled Substances Test records to Princeton, Federal Secretary of Transportation and US Department of Transportation Agency or any State or local officials with the regulatory authority over the controlled substances testing program under 49 CFR Section 382.409 of the US Department of Transportation.

## **I. Employer Notifications.**

1. Princeton shall notify a CDL Holder of the results of random, reasonable suspicion and post-accident tests for Controlled Substances conducted under this Policy if the test results are verified positive. The CDL Holder shall also be informed of what substance(s) were positive.

2. Princeton may obtain, pursuant to a driver's written consent, any information concerning his / her alcohol and / or controlled substances use or testing from previous employers.

3. Princeton shall obtain, pursuant to a driver's written consent, information regarding his / her alcohol tests with a concentration result of 0.040 or greater, positive controlled substances test results and refusals to be tested within the preceding two (2) years, which are maintained by the driver's previous employers.

4. The above information shall be obtained and reviewed no later than 14 calendar days after the first time a driver performs safety-sensitive functions if it is not feasible to obtain said information prior to the driver performing safety-sensitive functions.

5. Princeton shall not permit a driver to perform safety-sensitive functions after 14 days without obtaining the required information.

6. If the driver ceases performance of safety-sensitive functions before the 14-day time limit or before previous employer information is received, Princeton must still obtain the required information from the previous employer(s).

7. Princeton is required to provide each former employer with specific written authorization for the release of appropriate information.

8. Princeton shall not use any driver to perform safety-sensitive functions if information obtained indicates that he / she tested with an alcohol concentration of 0.04 or greater, a verified positive controlled substances test result, or refused to be tested, without first obtaining information on a subsequent SAP evaluation.

## **J. Controlled Substances Test Procedures.**

1. Upon notification to report to the MRO for a Controlled Substances Test, the CDL Holder shall:

a. Provide positive identification of his / her identity such as a photo identification or a valid photo driver's license.

b. At the direction of the MRO's medical staff, complete the Controlled Substances Use Consent / Authorization Form.

c. At the direction of the MRO's staff, complete the required Sections of the Urine Testing, Custody and Control Form provided by a certified laboratory.

d. At the direction of the MRO's staff, the selected employee shall provide a minimum of forty-five (45) millimeters of urine in an approved container.

e. In the event the CDL Holder cannot provide the required amount of urine for the test, he / she shall be instructed to drink no more than twenty-four (24) ounces of fluid and after a period of up to two (2) hours again attempt to provide a complete sample.

f. If the CDL Holder is still unable to provide the required amount, then attempts at testing shall be discontinued and he / she shall be referred to a medical doctor. If there is no medical reason for the inability to provide the required specimen, the CDL Holder shall be deemed to have refused the test and penalized accordingly.

g. If a prospective CDL Holder is unable to provide sufficient urine for testing, he / she shall bear the cost of a medical referral.

h. The collector shall, with the selected CDL Holder witnessing, split the sample into two (2) separate units consisting of thirty (30) milliliters in one and fifteen (15) milliliters in the other.

i. While the CDL Holder is witnessing the procedure, the collector shall then place both specimen bottles in the proper chain of custody specimen bag sealing same and placing it in the kit box.

j. The selected CDL Holder shall witness the closure and sealing of the kit box with the box seal.

k. The selected CDL Holder shall witness the collector signing and dating the box seal.

l. The collector shall place the sealed kit in a locked location to be held for pick up and delivery to a certified laboratory.

m. The testing of the thirty (30) milliliter specimen shall be performed by a certified laboratory and the fifteen (15) milliliter sample stored. Both shall be in accordance with the US Department of Transportation Regulations.

n. In the event that the first sample tests positive for Controlled Substances Use, the results shall be transmitted to the MRO. The MRO shall contact the Administrator or his / her designee and the CDL Holder within eight (8) hours of receiving the test results and advise him / her of the results. The MRO shall advise the CDL Holder that he / she may not perform safety-sensitive functions. At that time or

within seventy-two (72) hours the CDL Holder may request, in writing, a test of the split sample. The laboratory shall transmit the request for a second analysis to a certified laboratory. The laboratory shall then forward the split sample to a second facility for analysis. The CDL Holder shall not perform safety-sensitive functions until:

(1.) the test of the split sample indicates a verified negative Controlled Substances Test result;

or

(2.) the CDL Holder is referred, evaluated and treated if necessary in the event the split sample verifies a positive test result.

#### **K. Breath Alcohol Testing Procedures.**

1. Upon notification to report to the MRO for a breath alcohol test, the CDL Holder shall:

a. Provide positive identification of his / her identity such as photo identification card or a valid photo driver's license.

b. Complete the appropriate Sections of the US Department of Transportation Breath Alcohol Testing Form.

c. The technician shall perform the calibration of the breath testing unit and the breath alcohol test in accordance with the Breathalyzer Operational Checklist from the manufacturer.

d. In the event of a test result of 0.02 or greater and less than 0.04, the CDL Holder shall be given a second test within fifteen (15) minutes and no longer than twenty (20) minutes.

(1.) If the CDL Holder again tests at 0.02 or greater and less than 0.04, he / she shall be removed from safety-sensitive functions as outlined in Section II - E.1. of this Policy.

(2.) If the CDL Holder tests at 0.04 or greater, he / she shall be removed from safety-sensitive functions as outlined in Section II of this Policy.

e. In the case of a pre-employment breath alcohol test with a prospective CDL Holder testing 0.02 or greater, he / she shall not be hired for a safety-sensitive function.

f. In a test of breath alcohol content for reasonable suspicion and / or post-accident cases, the CDL Holder shall sign Sections Two (2) and Four (4) of the US Department of Transportation Breath Alcohol Testing Form as well as the Standard

Operational Procedures for Breath Alcohol Testing Form after it has been read by the technician of the breath sample(s).

g. In all cases of breathalyzer testing, if a CDL Holder is unable to provide enough breath for a complete test, he / she shall be referred to a medical doctor for evaluation. If that evaluation fails to detect any medical reason for the inability to provide sufficient breath, the CDL Holder shall be deemed to have refused testing. If a prospective CDL Holder is unable to provide sufficient breath as described above, he / she shall bear the cost of a medical referral.

**L. Employee Assistance Program.**

The Employee Assistance Program (EAP) is available to assist all employees with controlled substances / alcohol counseling. If an employee needs further information regarding the EAP, they may either contact their Department Head / designee or they may voluntarily contact the EAP directly to schedule a confidential appointment with an EAP counselor. All discussion between the employee and the EAP counselor is strictly confidential. Princeton and fellow employees will have no knowledge of the employee's request for help.

**M. Referral to a Substance Abuse Professional (SAP).**

1. If a referral to the SAP is required as a result of alcohol and / or controlled substances use as specified by this Policy, the Princeton MRO shall recommend same.

2. Princeton shall designate a SAP for the purpose of rendering services in connection with the anti-alcohol / drug program set forth in this Policy.

a. An employee who has engaged in alcohol use prohibited by this Policy and / or controlled substances use shall be advised by Princeton of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and / or the use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. Said employee shall be evaluated by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and / or controlled substances use.

b. Princeton shall designate a SAP for the purpose of rendering services in connection with the anti drug / alcohol program set forth in this Policy. This is the same as #2 above.

(1.) The designated SAP shall determine whether an employee who has refused to submit to controlled substances test, has a verified positive controlled substances test result or engages in alcohol use prohibited by this Policy is in need of assistance in resolving problems associated with prohibited drug and / or alcohol use. The SAP shall then recommend a course of action to the employee.

(2.) The SAP shall determine whether an employee who has refused to submit to a controlled substances test, has a verified positive controlled substances test result or engages in alcohol use prohibited by this Policy has properly followed the SAP's recommendations and / or any rehabilitation program prescribed by the SAP. The SAP shall notify Princeton as to whether the employee has so complied.

c. Upon referral to a SAP, the employee shall be required to abide by his / her recommendations for return to duty.

d. The employee shall pay for the cost of utilizing the SAP through his / her own health insurance. Princeton shall not be required to pay for the use of a SAP either directly or indirectly.

e. The requirements of this Section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment controlled substances test or who has a pre-employment controlled substances test with a verified positive result.

#### **N. Accident Reporting Procedures.**

1. Upon being involved in a motor vehicle accident while operating a Commercial Motor Vehicle (CMV), the operator shall:

a. contact a Princeton supervisor by the fastest possible means relating the vehicle identification number and the location of the accident;

b. the Princeton supervisor shall notify the law enforcement agency having jurisdiction to respond. Additionally, the supervisor shall contact the Claims Coordinator and the Administrator or his / her designee.

c. the Princeton supervisor shall respond to the scene of the accident if possible and / or practical;

d. the Princeton supervisor shall contact the Administrator or his / her designee in the event of a fatality or if the CDL Holder will receive a traffic summons for a moving violation;

e. upon receipt of the message that one of the above incidents has occurred, the supervisor shall be informed as to what action to take.

2. This Section is in no way intended to prevent an injured person from getting necessary medical attention immediately following an accident or to prohibit a CDL Holder from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

3. No CDL Holder involved in a motor vehicle accident shall consume alcoholic beverages for a period of eight (8) hours immediately following such accident or until after a breath alcohol concentration test has been performed, whichever comes first.

**O. Conflict.**

In the event that any of the provisions contained in this Policy conflicts or is inconsistent with any of the regulations set forth in 49 CFR Parts 40, 653 and / or 654, the applicable regulations shall be controlling.

**P. Amendments and Modifications to Federal Regulations.**

In the event that any of the Federal Regulations pursuant to which this Policy is adopted are amended and / or modified, this Policy may be revised accordingly.

**1103.17 Workplace Violence Policy.**

Princeton 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 town property, at Princeton events or under other circumstances that may negatively affect the town's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on municipal property or while on municipal business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.
- Any potentially dangerous situations must be immediately reported. Princeton will actively intervene in any potentially hostile or violent situation.

1103.18 Driver's License Policy.

Any employee whose work requires that the operation of municipal vehicles must hold a valid driver's license.

All new employees who will be assigned work entailing the operating of a municipal vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks, but not less than annual, of employee's drivers' licenses through visual and/or formal Department of Motor Vehicles review checks shall be made by the Human Resources Manager or other Administrator designee. Any employee who does not hold a valid driver's license will not be allowed to operate a municipal vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a municipal vehicle must notify the 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 that 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 municipal vehicle shall be subject to possible termination. Any information obtained by the town in accordance with this section shall be used by the municipality 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.)

1103.19 Early Closing and Delayed Opening Policy.

In the event of unsafe conditions, the Administrator may authorize Department Heads and Management Staff to open operations later or close earlier than the normal working hours. If conditions exist prior to a scheduled opening, the Administrator shall notify Department Heads of a delayed opening with a new opening time or closure information. An automated phone calling system to notify employees is in place, but employees are required to be in contact with their supervisors or Department Heads to confirm delayed openings, early closings or closures.

If municipal offices are closed, the employee will not be charged from their time off allotments for the day. However, if the employee chooses not to report to work on a day with a delayed opening or an early closing, a full vacation day or personal day will be charged. If an employee had previously scheduled vacation, personal or sick time, the employee shall be charged for their allotted time off as previously scheduled. Part-time and hourly staff will be paid only if work is called or cancelled and will only be paid for hours in which they were scheduled. Sick time will only be charged for a legitimate illness.

This provision does not apply to the Department of Public Works, Police, or any personnel who may be required to assist in an emergency.

1103.20 Use of Vehicles.

Princeton owned vehicles shall be used only on official business and all passengers must be on municipal business.

Employees may not smoke in municipal vehicles or use hand held cell phones while driving municipal vehicles. Such behavior is subject to disciplinary action up to dismissal

Vehicles may be taken home only with the advance approval of the Administrator. A Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a municipal vehicle, it is to be used only for official town business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action.

Employees who are permitted to have a vehicle for travel back and forth from work they are subject to all applicable tax impacts.

1103.21 Telephone Usage Policy.

Municipal telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the town. The use of hand-held cell phones while driving municipal vehicles or while driving on town business is prohibited. The use of cell phones is also prohibited within municipal buildings during business hours, except in the case of municipal business, an emergency or during lunch periods.

1103.22 Bulletin Board Policy.

All employment notices and posters which are required by law to be posted by Princeton shall appear on the employee bulletin boards located in the various Municipal Buildings and work locations.

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

**1104 System Policy (Including Email, Voice Mail, and Internet Usage)**

Princeton respects the individual privacy of its employees. However, e-mail, voicemail, Internet, town issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited. All e-mail, voice mail and Internet message are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

a. Management's Right to Access Information

E-mail, voicemail and computer network systems have been installed by the town to facilitate business communications. The contents of the systems are accessible at all times by the town. These systems should be treated like other shared filing systems.

E-mail and voicemail messages, to the extent these systems are utilized, are municipal records. Princeton reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet message on the computer and communications systems of the town as deemed necessary and appropriate and without prior notice. By using the municipal e-mail, computer systems, voice mail and the Internet, each user agrees that the town has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

b. Care In Use of E-Mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the town's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the 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.

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 a personal or agency analog or digital device, camera

or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Administrator.

c. Personal Use of E-Mail, Voicemail, Internet and Computer Network Systems

Because Princeton provides e-mail, voicemail, Internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. Princeton reserves the right to access and disclose as necessary all messages sent over its systems, without regard to content.

Since the contents of e-mail and voicemail may be accessed by the town without prior notice to employees, and since the town can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the town if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the town. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

d. Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voicemail, Internet computer network systems, or issued Cell Phone or any other town issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. 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 sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

Violations of the town's policy of the use of e-mail, voicemail, Internet, complete network systems and issued Cell Phone or any other town issued electronic device will subject the employee to discipline, up to and including immediate termination.

e. Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.

### **1105 Policy Against Harassment.**

#### **1105.1 General Anti-Harassment.**

It is Princeton'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, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes 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.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the 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 and the municipality generally. Princeton cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to 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.

#### **1105.2 Anti-Sexual Harassment Policy.**

It is Princeton's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The town prohibits sexual harassment from occurring in the workplace or at any other location at which a municipality sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to

regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

Submission to such conduct is made either explicitly or implicitly in exchange for a benefit; Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; 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 he or she has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy (see Section 205).

Harassment of Princeton 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 their supervisor. Appropriate action will be taken against any non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the town generally. Princeton cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps

are necessary to correct them. Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

## CHAPTER XII

### DISCIPLINARY ACTION

#### **1201 Authority**

The Administrator shall have overall authority and responsibility for personnel disciplinary actions. Management Staff and Department Heads shall have the authority and responsibility for taking written disciplinary actions and reporting infractions to the Administrator. Supervisors may discipline employees orally, if necessary, to reprimand incidents of misconduct.

Management Staff and Department Heads are held to higher standards of responsibility than other Princeton employees. Accordingly, the provisions of Sections dealing with discipline, grievance and involuntary separation procedure shall not apply to Management Staff and Department Heads. However, any Management Staff or Department Head may file a grievance with the Mayor and Council regarding a decision of the Administrator affecting their terms and conditions, including disciplinary actions. Any such grievance shall be processed and considered in accordance with Section XIII, Grievance Procedures.

#### **1201.1 Delegation of Authority**

Management Staff and Department Heads have the authority to administer Minor Disciplinary Action. The Management Staff or Department Heads should notify Administration as soon as possible of the situation and provide documentation for Personnel purposes.

In the case of the need for Major Disciplinary Action, Management Staff or Department Head shall provide documentation and offer discussion for review by the Administrator. Management Staff and Department Heads can make recommendations of related disciplinary actions; however, the Administrator, or if designated, the Deputy Administrator, shall have overall decision rights as to Major Disciplinary Actions

#### **Discipline of employees covered by collective negotiations agreements.**

Disciplinary actions against employees covered by collective bargaining agreements shall be carried out in accordance with the provisions of such collective bargaining agreements. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters, the

terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

## **1202 CAUSE**

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to Princeton, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Princeton property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on municipal property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on municipal property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Princeton premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Princeton or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Princeton premises and/or during work hours, unless carrying a weapon is a function of your job duties.

- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other municipal or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential municipal information.
- Gambling on municipal premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on municipal premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violating any Princeton rules or policies.
- Conduct unbecoming a public employee.
- Violation of Princeton policies, procedures and regulations.
- Violation of Federal, State or municipal laws, rules, regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, internet, and email.
- Other sufficient cause.

Minor discipline includes verbal, or formal and written reprimand. Employees who object to the terms or conditions of the discipline are entitled to be heard under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

Major disciplinary action includes suspension or fine up to five days, suspension or fine over five days, termination, disciplinary demotion or suspension.

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

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

Neither this manual nor any other Princeton guidelines, policies or practices create an employment contract. Employment with Princeton may be terminated at any time with or without cause or reason by the employee or Princeton.

## CHAPTER XIII

### EMPLOYEE GRIEVANCE

#### **Section 1301 Grievance Policy**

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of Princeton. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement.

All grievances from non-union employees must be presented within five working days after the incident in question. Failure to report a grievance within such time shall be deemed as a waiver of the grievance.

It is the policy of Princeton that every employee, at all times, be treated fairly, courteously, with respect and in a non-discriminatory manner. Conversely, each employee is expected to accord the same treatment to his or her associates, supervisors and to the public. An employee shall be expected to follow all steps of the following grievance procedures and to make every effort to mediate and reconcile such complaint by mutual understanding and agreement among all persons involved before pursuing legal remedies.

Any grievance or complaint which any employee has with regard to an alleged violation of the above-referenced policy shall be handled as follows:

Step One: Any employee with a grievance may verbally communicate or submit a written grievance to the supervisor or Department Head who will discuss the matter with the Administrator. The supervisor or Department Head will communicate the decision to the employee within two working days.

Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five working days of the step one decision. After consulting with Department Head, Human Resources Manager, and the Employment Attorney as appropriate, the Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

Step Three: If the employee is not satisfied with the decision, the employee must submit a written grievance to the Personnel Committee of the Mayor and Council detailing the facts and the relief requested. The decisions in step two will be deemed final if the

employee fails to submit a written grievance within five working days of the step two decision(s).

The Mayor shall acknowledge receipt of the complaint, within five (5) working days after the grievance is filed. The Personnel Committee, after review of all related documents to this said grievance and upon discussion with the Administrator, municipal attorney or other staff as necessary, shall have the discretion to uphold the prior decisions or to hold a hearing. If the Personnel Committee decides that the prior decision shall stand, the Mayor or Council will notify the employee within ten (10) working days of their decision. The Personnel Committee's decision shall be binding.

If however, the Personnel Committee determines that the subject matter can better be addressed by the full Mayor and Council then they may remand the matter to them. The Mayor and Council may then make a determination to hold a hearing; the hearing will be scheduled within thirty (30) working days after acknowledgement of the written complaint by the Mayor. The Mayor and Council at said hearing shall hear evidence presented by the complainant, the person allegedly responsible for the action which is the subject matter of the grievance and by any witnesses called to testify. After hearing all of the evidence and arguments, the Mayor and Council will prepare a written decision within ten (10) working days of the hearing that will be based solely on the evidence presented at the hearing. The written decision will be made known to all parties and final resolution made note. The Mayor and Council's decision shall be binding.

At any time during the process should the parties to the grievance agree on a resolution by way of conciliation, such determination shall be indicated in writing and all agreements signed by all parties.

Departments Heads or Management Staff may file a grievance with the Personnel Committee regarding a decision of the Administrator affecting their terms and conditions, including disciplinary actions. All grievances from non-union employees must be presented within five working days after the incident in question. Failure to report a grievance within such time shall be deemed as a waiver of the grievance. The Personnel Committee also has the option of brining the matter before the full Mayor and Council

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

CHAPTER XIV  
SEPARATION FROM PRINCETON SERVICE

**Section 1401 Purpose of Chapter**

This chapter is included in the Princeton Personnel Manual in order that employees separating from Princeton service understand what actions are required of them at the time of separation and what payroll adjustments may be necessary. This chapter also delineates municipal responsibilities and procedures for employee separation.

**Section 1402 Authority**

The Administrator shall have authority and responsibility for developing, implementing, revising and executing employee separation procedures, and for consulting with the governing body and Department Heads on employee separations as appropriate. The Administrator shall also have the authority and responsibility for separating employees involuntarily from Princeton service, for overseeing and reviewing separation proceedings, for overseeing replacement procedures, and for ensuring that the provisions of this chapter are enforced.

Department Heads shall be responsible for ensuring the proper execution of separation procedures within their respective departments, for notifying the Administrator of announced voluntary separations for employees in their departments, and for initiating the employee replacement procedure in cooperation with the Administrator.

Employees: On or prior to the last day of work, but prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. Separating employees may request an exit interview with Human Resources or Administration.

**Section 1403 Voluntary Separations.**

**Advance Notice**

Advance notice of separation is required in order to allow sufficient time to prepare final payroll settlements, reorganize departmental workloads, and initiate recruitment procedures. Employees who voluntarily separate from Princeton service shall provide a minimum of two (2) weeks' notice in writing to their Department Head. Retirees and exempt employees shall provide a minimum of four (4) weeks advance notice in writing to their Department Head and the Administrator. Failure to provide such advance notice may result in the forfeiture of paid compensation for accrued holiday and vacation leave and other forms of compensation. The Administrator shall be apprised immediately of all separation notices.

## **Section 1404 Involuntary Separations.**

Employees may be separated by action of the Administrator for the following reasons:

- As a disciplinary action.
- For reasons of economy and efficiency, which necessitate a reduction in personnel, provided that no suitable vacancy exists to which the employee may be reassigned.
- An unsatisfactory performance evaluation following demotion, transfer, or placement of the employee on probation.
- Unsatisfactory performance at any time during the probationary period following initial appointment.

### **1404.1 Advance Notice.**

Unless immediately and summarily discharged because continued presence on the job would serve to jeopardize, obstruct, or inhibit normal municipal operations, an employee who is involuntarily separated from Princeton service shall be provided two (2) weeks notice in advance of the date of separation if a nonexempt employee, and four (4) weeks if an exempt employee. Payment in lieu of time served may be paid to the employee at the discretion of the Administrator.

### **1404.2 Suspension.**

An employee may also be suspended from the date of notice of separation until the date of separation, provided that such suspension is with compensation.

## **Section 1405 Payroll Settlements**

The Administrator shall notify the payroll office upon notification of separation and make arrangements for a final payroll settlement to the employee. The final payroll settlement shall include the employee's remaining unpaid earnings as adjusted to account for:

- Accrued holiday and vacation benefits and overtime compensation on a cash basis for eligible employees.
- If an employee separates or gives notice of separation from Princeton prior to the governing body taking formal action at a public meeting to authorize the preparation of an ordinance/resolution to effectuate increased compensation, the employee will be paid for services rendered in accordance with the preceding

calendar year's wage rate and will not be entitled to receive salary increments paid retroactive to January 1.

- Adjusted fringe benefits payments. Previously unearned compensation, including unearned payments received through the biweekly payroll system, unearned vacation time if taken, and unearned tuition reimbursement.
- Compensation of the municipality for any damages to, or loss of, physical property attributable to the employee.
- Employees who separate shall be eligible for vacation and personal time allotments prorated on the basis of time worked in the current year. Annual Vacation allotments shall be pro-rated as earned monthly and as follows based on separation date:
  - If an employee's separation date is prior to the 15<sup>th</sup> of the month, then the employee will be credited with half (1/2) the months allotted time.
  - If an employee's separation date is after the 15<sup>th</sup> of the month, then the employee will be credited with the entire months allotted time.
- Vacation, holiday and other benefits accruing beyond the date of termination shall be forfeited by the separated employee.

#### **Section 1406 Performance Evaluation**

In order that Princeton may retain a complete permanent record of the separating employee's performance and conduct while in the municipality's service, a final performance evaluation report shall be prepared by the separating employee's rating officer.

#### **Section 1407 Notification of Mailing Address**

The separating employee shall provide his or her immediate supervisor with a mailing address at which the employee may be contacted following separation. The supervisor, in turn, shall see that the Administrator receives the information.

#### **Section 1408 Pension Settlements**

If a separated employee desires to withdraw his or her contributions to the State pension system, an application for refund must be submitted to the New Jersey State Division of Pensions and Benefits according to their guidelines.

Final pension deductions for employee payroll will be made according to the appropriate rules and regulations for the applicable pension fund.

### **Section 1409 Election to Continue Medical Benefits (C.O.B.R.A.)**

A terminating employee shall notify the Administrator's office of his or her election to continue any medical or dental benefits for which the employee and his or her dependents qualify within sixty (60) days of being notified of this option. The Administrator will transmit this notice to the employee. Recent changes to COBRA provide certain eligible employees with premium reductions for their continued health benefits. More detailed information on COBRA and its recent changes is available from Human Resources.

### **Section 1410 Vacancies**

Upon being notified that an employee will be separated from Princeton service, the employee's supervisor shall initiate appropriate procedures per Chapter V of this manual as necessary to fill the vacancy.

### **Section 1411 Retirement Benefits**

#### **1411.1 Retirement Plans**

Princeton shall contribute the employer's contributions, as required by law, to the Social Security System and such appropriate New Jersey State employees' retirement systems as may be required by law, and to which employees must belong. Employee contributions to the Social Security System and State pension programs are required by law and shall be deducted periodically from employees' earnings. Subscription to any available supplemental pension or annuity program for which participation is not required by law, but nevertheless is available, shall be paid by employees.

Pension deductions and contributions shall continue during periods of paid leave. Employees on unpaid leaves of absence of any form will not, under existing State pension laws and regulations, receive pension credits for the period of such absence since no contribution shall be remitted on their behalf.

Employees covered by a state pension fund shall have the opportunity to purchase leave of absence time from the Division of Pensions, in accordance with the provisions of the retirement system.

Upon reaching required years of participation and/or meeting the required age, employees may file with his or her respective pension plan for retirement. Retirement application processes will be governed by the pension plan. Employees may request retirement information from Human Resources.

#### **1411.2 Retirement Medical Coverage**

Full-time employees who retire from Princeton after January 1, 2013, and who have been enrolled for at least 25 years in their respective NJ pension system, will be provided medical insurance and prescription coverage for themselves and their eligible dependents that are covered by the Plan at the time of retirement.

- Coverage is limited to the same persons who are covered at the time of retirement, and only to the extent that the retiree and those same dependents are eligible under the rules of the Plan for the type of coverage in effect at the time of retirement.
- No coverage will be provided during the period when medical coverage is furnished to the retiree from another source. The retiree is responsible for notifying Princeton at the start of such coverage and at its termination.
- A retired employee and/or spouse and/or dependent eligible for Medicare coverage by reason of age or disability must coordinate benefits as according to the Plan guidelines.

In addition: Evidence of enrollment in Medicare must be provided to the Plan. Failure to enroll in Medicare when eligible or required may result in the retiree's and/ or dependents coverage being terminated or delayed according to the Plan guidelines.

#### 1411.3 Terminal Leave

Terminal Leave pay will be eliminated in practice for all employees effective January 1, 2015. Employees retiring on or prior to January 1, 2015 will continue to receive Terminal Leave as was available per prior Township and Borough policies in effect prior to the time of the consolidation of Princeton Borough and Princeton Township on January 1, 2013. Employees with a retirement date after January 1, 2015 shall not receive Terminal Leave payments.

Employees retiring on or prior to January 1, 2015 shall receive Terminal Leave pay as follows:

Former Township salaried, non-union personnel, retiring on or prior to January 1, 2015 shall receive Terminal Pay according to the below policy:

Each employee, upon normal Princeton retirement, shall receive 2 days of Terminal Leave pay per year of continuous Princeton service. For purposes of establishing eligibility for terminal leave, normal Princeton retirement shall constitute retirement after 25 years of continuous Princeton service regardless of age.

For purposes of computing years of service for terminal leave, if an employee retires before July 1, he or she shall not be credited for that part of a year. If the employee retires on or after July 1, he or she will be credited with that year. In order to be entitled to receive terminal leave upon retirement, each such employee shall give both the

Administrator and the Department Head notice in writing of intention to retire. Terminal leave shall not be granted to any employee whose retirement results from disciplinary proceedings or occurs during pending disciplinary proceedings.

Former Borough salaried, non-union personnel retiring on or prior to January 1, 2015 shall receive Terminal Pay according to the below policy:

Each employee shall be entitled to twenty-five (25) days of terminal leave with pay upon his or her retirement from service after twenty five (25) years of continuous Princeton service and one (1) additional day for each year thereafter to a maximum of thirty (30) days of Terminal Leave. The Chief of Police shall be entitled to thirty-seven and a half (37.5) days of Terminal Leave with pay upon retirement from service after twenty five (25) years of continuous Princeton service and one and one-half (1.5) additional days for each year thereafter to a maximum of 45 days. Payment for terminal leave shall be made upon permanent separation from service and shall be computed on the basis of the employee's annual salary at the time of separation. Such Terminal Leave and pay shall not apply, however, to any employee whose separation results from dismissal for disciplinary reasons.

*Terminal Leave pay and Sick pay payments will no longer be in effect for retirements after January 1, 2015.*

#### 1411.4 Sick Time at Retirement - (Former Borough Employees Only)

- Sick Leave: Former Borough employees who retire on or before January 1, 2015 :

After a minimum of five years of service with the Borough, an employee, upon retirement in good standing, will receive Terminal Leave or pay based upon unused sick leave, up to a maximum of 180 days of such credit, up to a maximum of \$11,000.00, in accordance with the following schedule:

- Upon retirement or resignation due to disability which is medically confirmed: 40% of the employee's then current normal rate of pay.
- Other: 25% of the employee's then current normal rate of pay.

*Terminal Leave pay and Sick pay payments will no longer be in effect for retirements after January 1, 2015.*

#### 1411.5 Vacation Time at Retirement

- Vacation: An employee will be entitled during the last calendar year which an employee is physically present and working to the following vacation credit:
  - If termination takes place on or before March 31, then one half (1/2) of that calendar year's vacation will be credited.

- If termination takes place between April 1 and July 1, then three quarters (3/4) of that calendar year's vacation will be credited.
- If termination takes place after July 1, then all of that calendar year's vacation will be credited.

If the employee's terminal leave, vacation and holiday leave result in a retirement date which falls in the later calendar year than the last calendar year for which he or she was physically present and working, then no additional vacation, holiday or other benefits shall accrue.

## CHAPTER XV

### TRANSACTIONS AND RECORDS MANAGEMENT

#### **1501 Purpose**

The development and maintenance of an effective personnel transaction procedure and personnel records management system is essential to a sound personnel program. The primary purpose of these systems and procedures shall be to:

- Establish and maintain clear lines of authority for the processing of personnel transactions and management of personnel records.
- Establish and maintain uniform and complete employment records of all Princeton employees.
- Ensure the confidentiality of employee records and employee access to appropriate information contained therein.

#### **1502 Access to Personnel Files Policy**

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

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

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

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

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

**1503 Requests for Employment Verification and Reference Procedure.**

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

In response to a request for information, the Administrator or designee will only verify an employee's name, dates of employment, job title, and department. No other data or information will be furnished unless (1) Princeton is required to release the information by law or (2) the employee or former employee authorized Princeton in writing to furnish this information and releases the municipality from liability.