

Township of Mount Laurel
Agenda
Regular Council Meeting
Monday, December 20, 2021
Via Zoom

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. PUBLIC ANNOUNCEMENT

5. APPROVAL OF MINUTES

Moved by: Seconded by:

6. APPROVAL OF BILL LIST

Moved by: Seconded by:

7. RESOLUTIONS

21-R-221: PROCLAMATION EXPRESSING COMMENDATION TO THE MOUNT LAUREL INDIANS 6U FOOTBALL TEAM IN WINNING THE SOUTH JERSEY GROUP II CHAMPIONSHIP

21-R-222: PROCLAMATION EXPRESSING COMMENDATION TO THE MOUNT LAUREL INDIANS 8U FOOTBALL TEAM IN WINNING THE SOUTH JERSEY GROUP II CHAMPIONSHIP

21-R-223: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR CONSTRUCTION BACKFILE CONVERSION THROUGH THE CAMDEN COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM #66CCEPS

21-R-224: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR IN-CAR CAMERAS THROUGH THE STATE OF NEW JERSEY COOPERATIVE PURCHASING PROGRAM

21-R-225: A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER THE "AUTHORITY" TO PAY ALL BILLS, MAKE NECESSARY TRANSFERS AND CANCEL APPROPRIATIONS THROUGH THE END OF THE YEAR

21-R-226: RESOLUTION AUTHORIZING THE TOWNSHIP OF MOUNT LAUREL TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

21-R-227: RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MOUNT LAUREL FIRE DISTRICT FOR EMS CHIEF SERVICES

21-R-228: RESOLUTION AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY NOT NEEDED FOR PUBLIC USE KNOWN AS BLOCK 101.15, LOTS 60 & 61 (95 WOOLMANS LANE)

21-R-229: RESOLUTION OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, ADOPTING 2021 AMENDED SPENDING PLAN

21-R-230: RESOLUTION AUTHORIZING FIRST AMENDED SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER PURSUANT TO THIRD ROUND AFFORDABLE HOUSING COMPLIANCE

8. ORDINANCES FOR SECOND READING AND PUBLIC HEARING

ORDINANCE #2021-20: AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL CHAPTER 40 ENTITLED "PERSONNEL POLICIES"

Moved by: Seconded by:

ORDINANCE #2021-22: AN ORDINANCE PERMITTING VETERANS DISCOUNT FOR RECREATION PROGRAMS

Moved by: Seconded by:

9. PUBLIC PARTICIPATION

10. COMMENTS BY COUNCIL

11. RESOLUTION

21-R-231: RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP OF MOUNT LAUREL TO DISCUSS PENDING OR ANTICIPATED LITIGATION, CONTRACT NEGOTIATIONS AND/OR PERSONNEL MATTERS

12. RETURN TO OPEN

13. ADJOURNMENT

**Township of Mount Laurel
Regular Council Meeting
December 6, 2021
Via Zoom**

Mayor Steglik called the meeting to order.

Pledge of Allegiance & Traditional Moment of Silence

ROLL CALL

Councilwoman Karen Cohen – present, Councilwoman Fozia Janjua – present,
Councilman Nick Moustakas – absent, Deputy Mayor Kareem Pritchett - present, Mayor
Stephen Steglik - present, George Morris, Township Solicitor – present, Meredith
Tomczyk, Township Manager/Township Clerk - present

PUBLIC ANNOUNCEMENT

The Public Announcement, which is required by the “Open Public Meetings Act” of the
State of New Jersey and read at every meeting of the Township Council was read by the
Municipal Clerk.

APPROVAL OF MINUTES

Motion to Move: Deputy Mayor Pritchett, 2nd Councilwoman Cohen
Roll Call 4 yes votes

APPROVAL OF BILL LIST IN THE AMOUNT OF \$1,740,325.12

Motion to Move: Councilwoman Cohen, 2nd Councilwoman Janjua
Roll Call 4 yes votes

**21-R-206: AMENDING 21-R-32 SETTING MEETING LOCATIONS BECAUSE OF
THE COVID-19 PANDEMIC**

Township Clerk read Resolution as entitled.

Motion to Move Resolution #206-2021: Deputy Mayor Pritchett, 2nd Councilwoman
Cohen
Roll Call 4 yes votes

**21-R-207: RESOLUTION SUPPORTING THE 2021 DRIVE SOBER OR GET
PULLED OVER YEAR END HOLIDAY CRACKDOWN DECEMBER 3, 2021 –
JANUARY 1, 2022**

Township Clerk read Resolution as entitled.

Motion to Move Resolution #207-2021: Deputy Mayor Pritchett, 2nd Councilwoman
Cohen
Roll Call 4 yes votes

21-R-208: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 1506 LOT 33

Township Clerk read Resolution as entitled.

Motion to Move Resolution #208-2021: Councilwoman Cohen, 2nd Deputy Mayor Pritchett

Roll Call 4 yes votes

21-R-209: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 304.09 LOT 6

Township Clerk read Resolution as entitled.

Motion to Move Resolution #209-2021: Councilwoman Cohen, 2nd Deputy Mayor Pritchett

Roll Call 4 yes votes

21-R-210: RESOLUTION AUTHORIZING THE REFUND OR CANCELLATION OF PROPERTY TAXES BLOCK 206 LOT 13

Township Clerk read Resolution as entitled.

Motion to Move Resolution #210-2021: Councilwoman Cohen, 2nd Deputy Mayor Pritchett

Roll Call 4 yes votes

21-R-211: RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR FIVE (5) LUCAS DEVICES THROUGH THE BERGEN COUNTY COOP

Township Clerk read Resolution as entitled.

Motion to Move Resolution #211-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-212: ANTICIPATION OF A SPECIAL ITEM OF REVENUE IN THE 2021 LOCAL MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159)

Township Clerk read Resolution as entitled.

Motion to Move Resolution #212-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-213: RESOLUTION AUTHORIZING CANCELLATION OF OUTSTANDING CHECKS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #213-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-214: RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BURLINGTON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Township Clerk read Resolution as entitled.

Motion to Move Resolution #214-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-215: RESOLUTION AUTHORIZING THE CANCELLATION OF A GRANT

Township Clerk read Resolution as entitled.

Motion to Move Resolution #215-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-216: RESOLUTION AUTHORIZING 2021 BUDGET TRANSFER OF FUNDS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #216-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

21-R-217: RESOLUTION AUTHORIZING THE SIGNING OF A CONTRACT BETWEEN THE TOWNSHIP OF MOUNT LAUREL AND THE BURLINGTON COUNTY PROFESSIONAL FIREFIGHTERS ASSOCIATION, I.A.F.F. LOCAL 3091 (EMERGENCY MEDICAL TECHNICIANS)

Township Clerk read Resolution as entitled.

Motion to Move Resolution #217-2021: Deputy Mayor Pritchett, 2nd Councilwoman Cohen

Roll Call 4 yes votes

21-R-218: AWARD BID FOR EMERGENCY PRE-EMPTION AT ROUTE 73 & ROGERS WALK

Township Clerk read Resolution as entitled.

Motion to Move Resolution #218-2021: Councilwoman Janjua, 2nd Councilwoman Cohen

Roll Call 4 yes votes

ORDINANCES FOR FIRST READING

ORDINANCE #2021-20: AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL CHAPTER 40 ENTITLED "PERSONNEL POLICIES"

Publication Date: DECEMBER 9, 2021

Public Hearing Date: DECEMBER 20, 2021

Clerk read Ordinance as entitled.

Motion to move Ordinance #20-2021: Deputy Mayor Pritchett, 2nd Councilwoman Cohen

Roll Call 4 yes votes

ORDINANCE #2021-22: AN ORDINANCE PERMITTING VETERANS DISCOUNT FOR RECREATION PROGRAMS

Publication Date: DECEMBER 9, 2021

Public Hearing Date: DECEMBER 20, 2021

Clerk read Ordinance as entitled.

Motion to move Ordinance #22-2021: Councilwoman Cohen, 2nd Councilwoman Janjua

Roll Call 4 yes votes

PUBLIC PARTICIPATION/CDBG

Bob Reillo, 676 Cascade Drive South – How long will it be before township purchases lot at Walton and Union Mill Road now that warehouse application has been denied.

Appeal process so Council cannot comment. In person meeting. COVID.

COMMENTS BY COUNCIL

Deputy Mayor Pritchett – Friday December 3rd Christmas tree lighting. Great night. Looking forward to do it again. Be safe. Happy New Year.

Councilwoman Cohen – Friday night was awesome. Wonderful evening. Attended Celebration of Hanukkah.

Councilwoman Janjua – Lighting event was great. Community will come together to drive out hate.. Job to protect and support everyone. Happy New Year. Continue to stay safe.

Mayor Steglik – Holiday event was great. Thanked the employees and Rancocas business association.

21-R-219: RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP OF MOUNT LAUREL TO DISCUSS PENDING OR ANTICIPATED LITIGATION, CONTRACT NEGOTIATIONS AND/OR PERSONNEL MATTERS

Township Clerk read Resolution as entitled.

Motion to Move Resolution #219-2021: Deputy Mayor Pritchett, 2nd Councilwoman Cohen

Roll Call 4 yes votes

Return to Open: Councilwoman Cohen, 2nd Deputy Mayor Pritchett

All in favor.

21-R-220: RESOLUTION AUTHORIZING THE SIGNING OF A MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF MOUNT LAUREL AND THE MOUNT LAUREL POLICE OFFICERS' ASSOCIATION F.O.P. LODGE NO. 191

Township Clerk read Resolution as entitled.

Motion to Move Resolution #220-2021: Deputy Mayor Pritchett, 2nd Councilwoman Janjua

Roll Call 5 yes votes

Motion to adjourn: Councilwoman Cohen, 2nd Deputy Mayor Pritchett

All in favor.

Respectfully submitted,

Meredith Tomczyk, RMC
Township Clerk



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-221

REGULAR MEETING

DECEMBER 20, 2021

**PROCLAMATION EXPRESSING COMMENDATION TO THE MOUNT LAUREL
INDIANS 6U FOOTBALL TEAM IN WINNING THE SOUTH JERSEY GROUP II
CHAMPIONSHIP**

WHEREAS, the Mount Laurel Indians 6U Football Team won the South Jersey Group II Championship on Saturday, November 27; and

WHEREAS, the league championship consisted of teams competing from all over South Jersey, along with a team from South Philadelphia.

WHEREAS, winning six games and losing only two during the regular season, the 6U football team exemplified great teamwork and commitment from start to finish of their successful season.

WHEREAS, to become the South Jersey Group II champs, the Mount Laurel Indians 6U football team first beat Seneca and then ultimately defeated the Haddonfield Bulldogs 32-6 in the final championship game.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Township Council and Township Manager of the Township of Mount Laurel, County of Burlington, State of New Jersey do hereby recognize and congratulate the 6U Football Team as follows:

Cameron Hall, Lorenzo Barbieri, Tristan Milton, Caleb Johnson, Garrett Cronin, Giovanni Gaddy, Conner Tapps, Gabriel Bakely, Joseph Cicali, Carter Clarke, Chase Cherry, and Tristan Gaither;

BE IT FURTHER RESOLVED that the Township also wishes to recognize the Head Coach, Shaun Gaddy, along with the Assistant Coaches Steve Barbieri, Henry Tapps, Joseph Cicali, Josh Cherry, and Geoffrey Johnson.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-222

REGULAR MEETING

DECEMBER 20, 2021

**PROCLAMATION EXPRESSING COMMENDATION TO THE MOUNT LAUREL
INDIANS 8U FOOTBALL TEAM IN WINNING THE SOUTH JERSEY GROUP II
CHAMPIONSHIP**

WHEREAS, the Mount Laurel Indians 8U Football Team won the South Jersey Group II Championship on Saturday, November 27; and

WHEREAS, the league championship consisted of multiple teams competing from all over South Jersey, along with a team from South Philadelphia.

WHEREAS, the 8U football team's dedication and hard work clearly showed during their regular season with a record of seven wins and only two losses.

WHEREAS, to become the South Jersey Group II champs, the Mount Laurel Indians 8U football team won games against both Haddonfield and Marlton. The final championship game was against the Marlton Chiefs. With 25.4 seconds left in the game, Mount Laurel came back from behind and scored the winning touchdown, defeating the Chiefs 14-13.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor, Township Council and Township Manager of the Township of Mount Laurel, County of Burlington, State of New Jersey do hereby recognize and congratulate the 8U Football Team as follows:

Antonio Still, Tyshon Gadson, Craig Redcay, Lorenzo Murray, Logan Thomas, Lucas Marquardt, Dean Bowser, Christian Markin, Shane Whalen, Nathan Kehley, Ernest McRae, Darius Mosley, Nathan Levicoff, Mekhi Terrell-Brown, Miles Mason, Kahill-Lexington Briscoe, Maximus D'Antonio, Nicholas Stahl, Joshua Ganatra, Qais Watts, Alessio Midili, Collin Sanders, Christian Gill, Ethan Donely, and Douglas Moore

BE IT FURTHER RESOLVED that the Township also wishes to recognize the Head Coach, Dean Bowser, along with the Assistant Coaches Pete Ganatra, John Thomas, and Steven Gill.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-223

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
CONSTRUCTION BACKFILE CONVERSION THROUGH THE CAMDEN COUNTY
EDUCATIONAL SERVICES COMMISSION COOPERATIVE PRICING SYSTEM
#66CCEPS**

WHEREAS, N.J.S.A. 40A:11-11 authorizes contracting units to establish a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Camden County Educational Services Commission, hereinafter referred to as "Lead Agency," has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on April 8, 2019, the governing body of the Township of Mount Laurel, County of Burlington, State of New Jersey, authorized participation in the aforesaid Cooperative Pricing System for the provision and performance of goods and services.

WHEREAS, Foveonics Imaging Technologies, 999 Willow Grove Street, Suite 3A, Hackettstown, NJ 07840, has been awarded a contract for Document Management for Records Retention and Disposal for the period July 1, 2017 through June 30, 2022 by the Lead Agency as part of the Cooperative Purchasing Program; and

WHEREAS, the Township of Mount Laurel is desirous of participating with the Lead Agency for Construction Backfile Conversion from the aforesaid vendor.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Township of Mount Laurel is authorized to participate with the Lead Agency in the Cooperative Purchasing for the Construction Backfile Conversion from Foveonics Imaging Technologies, 999 Willow Grove Street, Suite 3A, Hackettstown, NJ 07840, per their proposal for \$226,670.38.
2. This is an open-ended contract and the Township is not obligated to order, accept or pay for the goods and services hereunder until an order is placed, required certification of available funds shall be made when goods or services are ordered.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-224

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR IN-CAR
CAMERAS THROUGH THE STATE OF NEW JERSEY COOPERATIVE
PURCHASING PROGRAM**

WHEREAS, The Township of Mount Laurel wishes to purchase In-Car Cameras, from an authorized vendor under contract by the Division of Purchase and Property, Department of Treasury, State of New Jersey; and

WHEREAS, Axon Enterprise, Inc., 17800 North 85th Street, Scottsdale, AZ 85255 has been awarded New Jersey State Contract Number 17-FLEET-00738 for Law Enforcement Firearms Equipment and Supplies for the period May 15, 2019 to May 14, 2023.

WHEREAS, the Police Chief has recommended the award of this contract, price and other factors considered; and

WHEREAS, the cost for this purchase is \$47,040.00; and

WHEREAS, this is an open-ended contract and the Township is not obligated to order, accept or pay for the goods and services hereunder until an order is placed; required certification of available funds shall be made when goods or services are ordered.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey, as follows:

1. Axon Enterprise, Inc., 17800 North 85th Street, Scottsdale, AZ 85255 be awarded a contract for the purchase of In-Car Cameras, as recommended by the Police Chief, in the amount of \$47,040.00.
2. This is an open-ended contract and the Township is not obligated to order, accept or pay for the goods and services hereunder until an order is placed, required certification of available funds shall be made when goods or services are ordered.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No 21-R-225

REGULAR MEETING

December 20, 2021

**A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER THE
"AUTHORITY" TO PAY ALL BILLS, MAKE NECESSARY TRANSFERS AND
CANCEL APPROPRIATIONS THROUGH THE END OF THE YEAR**

WHEREAS, the Township Council of the Township of Mount Laurel is holding their final regular public meeting of the year on December 20, 2021; and

WHEREAS, notwithstanding prior transfers and to assure that all 2021 budget appropriations have adequate funds to support Township activities through year end, the Township Council hereby authorizes that the Chief Financial Officer be delegated the authority to make additional transfers of funds, if required; and

WHEREAS, the Township Council authorizes that the Chief Financial Officer has the authority to pay all necessary bills through year end; and

WHEREAS, the Township Council authorizes that the Chief Financial Officer has the authority to cancel appropriations as deemed necessary:

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey, that the Chief Financial Officer is hereby delegated the authority to make transfers of funds in the 2021 budget, cancel unexpended appropriations and to pay all necessary bills and expenditures to assure uninterrupted Township operations with ratification by the Township at a meeting in the following year.

BE IT FURTHER RESOLVED, that all applicable Township Officers, whom are authorized to sign checks to pay the aforementioned bills and expenditures, are hereby authorized to sign such checks.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-226

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING THE TOWNSHIP OF MOUNT LAUREL TO ENTER
INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Burlington has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the governing body of the Township of Mount Laurel, County of Burlington, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This resolution should be known and may be cited as the Cooperative Pricing Resolution of the Township of Mount Laurel

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Manager is hereby authorized to enter into a Cooperative Pricing Agreement with the County of Burlington.

CONTRACTING UNIT

The County of Burlington shall be responsible for complying with the provisions of the *Local Public Contracts Law* (N.J.S.A. 40A:11-1 et seq) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

The resolution shall take effect immediately upon passage.

CERTIFICATION

I hereby certify that the above resolution was adopted by the Mayor and Council of the Township of Mount Laurel at a meeting of said governing body held on December 20, 2021.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-227

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH
THE MOUNT LAUREL FIRE DISTRICT FOR EMS CHIEF SERVICES**

WHEREAS, N.J.S.A. 40A:65-1 et seq. permits municipalities to enter in Shared Services Agreements with other public entities to allow one entity to perform the work or services for the second entity when authorized; and

WHEREAS, the Board of Fire Commissioners ("Board of Commissioners") governs the Fire District, and the Fire District provides fire protection to the Township's citizens through the Township's Fire Department; and

WHEREAS, the Township provides emergency medical services to the residents of the Township by way of an EMS Department with full-time and per diem employees and through contracting with Mount Laurel EMS, Inc., a not-for-profit volunteer organization supplementing municipal employees; and

WHEREAS, there is a present vacancy in the position of EMS Chief; and

WHEREAS, the Township and the Fire District have determined it to be in their mutual best interest to contract for the services of the Fire Chief to perform the functions of the EMS Chief; and

WHEREAS, the Parties mutually agree that the Fire District personnel demonstrate expertise in delivering emergency services and providing supervisory services over its employees and volunteers and is in the best interest of the citizenry to utilize this knowledge base to improve EMS by better providing for the general welfare, reducing operational costs, and increasing efficiency; and

WHEREAS, in the spirit of inter-municipal cooperation, and in accordance with the principles underlying the Act, the Parties have negotiated a Shared Services Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Laurel, County of Burlington and State of New Jersey, that,

1. The Township enters into a Shared Services Agreement with the Mount Laurel Fire District for EMS Chief Services;
2. This Agreement shall run from January 1, 2022 or the date of execution, which is later, through December 31, 2022 and may be renewed by the consent of the parties;
3. The Mayor, Township Manager and Township Clerk, or designee are authorized to execute the Agreement upon review and final approval by the Township Solicitor.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

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**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-228

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN
REAL PROPERTY NOT NEEDED FOR PUBLIC USE KNOWN
AS BLOCK 101.15, LOTS 60 & 61 (95 Woolmans Lane)**

WHEREAS, the Township is the owner of certain property known as Block 101.15, Lots 60 & 61 on the Official Tax Map of Mount Laurel Township, located at 95 Woolmans Lane; and

WHEREAS, the Township gained title to the property via final judgment on an In Rem Tax Foreclosure and said is recorded in the Burlington County Clerk's Office via instrument 5251170 recorded on October 13, 2016 at Book OR13244, Page 3339; and

WHEREAS, this property is not needed for public use and it is in the best interest of the Township to sell the property so that it may become productive in private ownership; and

WHEREAS, N.J.S.A. 40A:12-13 permits the Township to offer such property for sale to the public subject to certain terms and conditions;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey does hereby authorize the sale of Block 101.15, Lots 60 & 61, a 0.55 acre parcel to the public, pursuant to the following procedures, terms and conditions:

Section One. The Township will sell the property through sealed bids. All bidders shall appear at the appointed time and place to offer their bids or may submit their sealed bids to the Municipal Clerk in advance of the date set for opening. The property will be sold to the highest bidder subject to the terms and conditions hereof.

Section Two. The Township will receive bids at the Mount Laurel Township Municipal Clerk's Office, 100 Mount Laurel Road, Mount Laurel, New Jersey on January 18, 2022 at 10:00 a.m.

Section Three. Notwithstanding any provision of this resolution or any statement made at the sale, the sale will not be final until and unless the highest bid is accepted and confirmed by action of the Township Council at a regularly scheduled meeting of the Committee within forty-five (45) days after the date fixed for sale. Township Council reserves the absolute right to reject any and all bids as permitted by law.

Section Four. The following terms and conditions apply to the sale:

- (a) The sale is strictly "AS IS, WHERE IS". The Township makes no representations or warranties regarding the condition of the property or its suitability for any purpose.
- (b) The minimum price for the property shall be \$66,300.00.
- (c) A deposit of ten percent (10%) of the bid is required with the bid submission in cash, bank treasurer's check or certified check (checks preferred). Upon the adoption of a Resolution accepting a bidder's bid, the deposit shall become non-refundable.
- (d) Closing of title shall occur not more than forty-five (45) days subsequent to the execution of the contract.
- (e) Any use of the property shall be consistent with Township land use ordinances. The property is zoned R-1 (Residential). The bidder shall be required to verify wetlands and buffer areas prior to building on the property. The additional and preferred permitted uses on the property shall include off-site parking and/or general equipment, piping and machinery necessary for to provide for a sanitary sewer system. Any such uses shall be fully buffered from the adjacent residential properties by natural buffering and/or fencing.
- (f) The sale shall not be final until and unless confirmed and accepted by Township Committee. The governing body retains the absolute right to reject all bids.
- (g) The Deed from the Township shall be in fee simple.
- (h) The new owner shall be responsible for payment of all taxes from the time of closing.

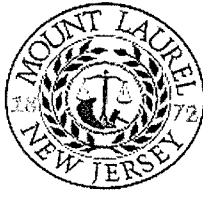
Section Five. Pursuant to law, notice of the sale shall be advertised in a newspaper circulating in the municipality by two insertions at least once a week during two consecutive weeks with the last publication to be not earlier than seven days prior to the bid date. The notice of sale shall include notice of the minimum bid price, the Township's reservation of the right to reject all bids, and all conditions of sale.

AND BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, Chief Financial Officer and Township Attorney are hereby authorized to execute all documents necessary in the fulfillment of this Resolution.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-229

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF
BURLINGTON, STATE OF NEW JERSEY, ADOPTING 2021 AMENDED SPENDING
PLAN**

WHEREAS, on June 29, 2017, the Mount Laurel Township Planning Board adopted a Housing Element and Fair Share Plan in furtherance of its Settlement Agreement with Fair Share Housing Center, regarding the Township's Third-Round Affordable Housing Obligation; and

WHEREAS, the Township Planner prepared a Spending Plan, consistent with the Housing Element and Fair Share Plan and provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the Township of Mount Laurel; and

WHEREAS, the Spending Plan was approved by the Court pursuant to a Conditional Judgment of Compliance and Repose entered on November 8, 2017; and

WHEREAS, the Township Planner has now prepared an Amended Spending Plan in the year 2021 which is also consistent with the Housing Element and Fair Share Plan and First Amendment to the January 19, 2017 Settlement Agreement with Fair Share Housing Center and provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the Township of Mount Laurel; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, County of Burlington, State of New Jersey, as follows:

1. The Township of Mount Laurel hereby adopts and approves an Amended Spending Plan for the year 2021. Said Amended Spending Plan is attached hereto and made a part hereof.
2. The Township requests that the Court review and approve the Amended Spending Plan dated for the year 2021.
3. A certified true copy of the Resolution shall be filed by the municipal clerk with Fair Share Housing Center and the Court Master.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomeczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-230

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING FIRST AMENDED SETTLEMENT AGREEMENT
WITH FAIR SHARE HOUSING CENTER PURSUANT TO THIRD ROUND
AFFORDABLE HOUSING COMPLIANCE**

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, i.e. N.J.S.A. 52:27D-301, *et seq.* ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, on January 19, 2017, the Township of Mount Laurel entered into a Settlement Agreement with Fair Share Housing Center which set forth its Third Round Affordable Housing obligations. Said Settlement Agreement was approved by the court at a fairness hearing on March 16, 2017; and

WHEREAS, the Township of Mount Laurel now seeks to enter into a First Amended Settlement Agreement with Fair Share Housing Center. This First Amended Settlement Agreement largely reflects changes in the mechanisms that the Township is implementing to satisfy its Third Round obligations; and

WHEREAS, in order to meet the its Third Round Affordable Housing obligations, the Township has decided to reduce its market to affordable obligations and include additional age restricted units; and

WHEREAS, the Township of Mount Laurel must enter into a First Amendment to the January 19, 2017 Settlement Agreement with Fair Share Housing Center to accomplish the foregoing; and

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mount Laurel, County of Burlington, State of New Jersey on this 20th day of December, 2021, that:

1. The Mayor and Clerk are hereby authorized to execute the First Amendment to the January 19, 2017 Settlement Agreement in a form substantially consistent with the attached.
2. A certified true copy of this Resolution shall be filed by the Municipal Clerk and sent to Fair Share Housing Center and the Court Master.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

ORDINANCE #2021-20

AN ORDINANCE OF THE TOWNSHIP OF MOUNT LAUREL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AMENDING THE CODE OF THE TOWNSHIP OF MOUNT LAUREL CHAPTER 40 ENTITLED "PERSONNEL POLICIES"

BE IT ORDAINED, by the Township Council of the Township of Mount Laurel in the County of Burlington, State of New Jersey as follows:

SECTION 1: Purpose. The Code of the Township of Mount Laurel, Chapter 40, regulates the personnel policies for Township employees. It is the purpose of this ordinance to amend Chapter 40, the Employee Handbook, which is hereby adopted. The Employee Handbook outlines all policies and procedures in place that each Township employee must follow.

SECTION 2: See Attachment A – amended handbook

SECTION 3: Severability. If this ordinance or any part thereof is held to be unconstitutional, null, void or ineffective by a court of competent jurisdiction, or otherwise, same shall not be deemed to affect the validity or constitutionality of the balance of the ordinance or the remaining parts of same.

SECTION 4: Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be deemed repealed to the extent of said inconsistency as of the effective date of this Ordinance.

SECTION 5: Effective Date. This ordinance shall take effect upon final passage and publication as provided by law.

Introduction Date: December 6, 2021

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen	✓					
Janjua	✓					
Moustakas					✓	
Pritchett	✓					
Steglik	✓					

Publication Date: December 6, 2021

Public Hearing Date: December 20, 2021

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Stephen Steglik, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk

Township of Mount Laurel

Municipal Excess Liability Joint Insurance Fund

EMPLOYEE HANDBOOK

DATED _____, 2021

Copyright 2011, Municipal Excess Liability Joint Insurance Fund - All rights reserved.
Permission is hereby granted to any New Jersey local unit to utilize this model.



MOUNT LAUREL TOWNSHIP
MUNICIPAL CENTER
100 MOUNT LAUREL ROAD
MOUNT LAUREL, NEW JERSEY 08054

INTRODUCTION:

The Township of Mount Laurel plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Township of Mount Laurel employee, you have certain rights and obligations. Federal and State law as well as Township of Mount Laurel policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage "to the victors belong the spoils" in governmental hiring is now against the law and the old fashion patrol room, garage or office "give and take" can no longer be condoned. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Township of Mount Laurel has a "no tolerance" policy towards workplace wrongdoing.

This Employee Handbook adopted by the Township Council discusses these issues and many other Township personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Township personnel policy, contact your supervisor, or if you prefer, your Department Head.

Neither this handbook nor any other Township of Mount Laurel document, confers any contractual right, either express or implied, to remain in the Township of Mount Laurel's employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Township Manager.

All employees receiving this handbook are required to sign an acknowledgement of receipt, which can be found on the last page of this handbook. A copy of this receipt will be maintained in your official personnel file.

THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE TOWNSHIP HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME.

NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY TOWNSHIP MANAGER. CURRENTLY, MOUNT LAUREL TOWNSHIP IS A CIVIL SERVICE COMMUNITY. IT IS GOVERNED BY CIVIL SERVICE REGULATIONS WHILE WITHIN CIVIL SERVICE. EMPLOYEES ARE GOVERNED BY APPLICABLE CIVIL SERVICE REGULATIONS AND RESPECTIVE BARGAINING UNIT CONTRACTS.

THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

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GENERAL PERSONNEL POLICY:

It is the policy of the Township of Mount Laurel to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township of Mount Laurel shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these policies and procedures 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 and the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Township Manager. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Council as well as the necessary budget appropriation and salary ordinance.

The Township Manager is the Appointing Authority and the Personnel Administrator. The Township Manager and managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Township Manager will also have access to the Labor Attorney appointed by the Township Council for guidance in personnel matters.

As a general principle, the Township of Mount Laurel has a "no tolerance" policy towards workplace wrongdoing. Township of Mount Laurel officials, employees and independent contractors are to report anything perceived to be improper. The Township of Mount Laurel believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Township Manager, or the Labor Attorney, when appropriate concerning any problem. Employees should follow the established chain of command in reporting any and all personnel issues and concerns.

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

To the maximum extent permitted by law, the employment practices of the Township shall operate under the legal doctrine known, as "employment at will." Within Federal and State law, including the New Jersey Civil Service Act and any applicable bargaining unit agreement, the Township of Mount Laurel shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township of Mount Laurel shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal and respective and applicable Civil Service regulations and bargaining unit contracts.

SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy:

The Township of Mount Laurel 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; the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD); and all other applicable Federal or State laws. Under no circumstances will the Township of Mount Laurel discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, 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, the Township Manager, or the Labor Attorney, when appropriate. Employees should follow the established chain of command concerning reporting personnel issues and concerns. It is the Township's policy to resolve all personnel issues in an efficient and effective manner with respect to all parties.

Americans with Disabilities Act & New Jersey Pregnant Worker's Fairness Act Policy:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Township of Mount Laurel does not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a disability, pregnancy, childbirth or pregnancy related medical condition.

The Township of Mount Laurel will make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or those who are pregnant, 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 Township. The Township of Mount Laurel will also 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.

The Township Manager and/or Department Head, or designees will engage in an interactive dialogue with disabled employees and prospective disabled/pregnant employees to identify reasonable accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Township Manager. 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 Township of Mount Laurel 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 Township of Mount Laurel facilities. Any questions concerning proper assistance should be directed to the Township Manager.

Definitions:

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

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

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

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified.

Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Employer, or that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential

functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Contagious or Life-Threatening Illnesses Policy:

The Township of Mount Laurel is committed to providing and maintaining a healthy and safe work environment which allows all employees to perform their jobs in a safe and productive manner. The Township of Mount Laurel respects the dignity and worth of every employee.

If an employee has learned that he or she has a contagious disease or life-threatening illness, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any disease or illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public.

Employees with contagious diseases or life-threatening illnesses are encouraged to continue their normal pursuits, including work, to the extent allowed by their condition. The Township of Mount Laurel 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 Township of Mount Laurel. If an employee is able to work, he or she is expected to be productive. If an employee is unable to work, he or she may be eligible for disability benefits.

The Township of Mount Laurel will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- The Township will follow the appropriate HIPAA laws regarding the release of medical information.
- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Medical 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.
- Medical 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.

Safety Policy:

The Township of Mount Laurel will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township of Mount Laurel 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 Township of Mount Laurel facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

Employees are required to notify their Supervisor or Department Head when new or additional safety related items or equipment is needed. Employees are also required to inspect their vehicles and any equipment prior to their shift.

The Township of Mount Laurel has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Transitional Duty Policy:

The Township of Mount Laurel will endeavor to bring employees with temporary disabilities back on the job as soon as possible. Time-limited, modified, and meaningful work assignments may be offered to employees who, due to an injury or illness, have been rendered temporarily incapable of performing the essential functions of their usual duties. These assignments are modified to accommodate the limitations imposed by injury or illness, as determined by medical professionals involved in the care of the employee.

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 eligible for transitional duty, as determined by the Workers' Compensation Physician, will notify the Claims Coordinator and Department Head as soon as the temporarily disabled employee is able to return to work with restrictions. The Department Head is to notify the Township Manager's office of the employee's status. 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 Township Manager will consult with the Claims Coordinator and 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 Township Manager will decide if it is in the best interest of the Township of Mount Laurel to approve a transitional duty request and will notify the employee's Department Head of the decision. The employee's Department Head or the Township Manager will notify the employee.

The Township of Mount Laurel reserves the right to request a functional capacity evaluation of the temporarily disabled employee to determine fitness for the assignment at any time. The Township of Mount Laurel also reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are in compliance with the Workers Compensation Physician's assessment. 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 Claims Coordinator who will consult with the Workers' Compensation Physician and render a written response within 24 hours after response from the Workers' Compensation Physician is received.

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 Township Manager. If transitional duty is approved, the employee and the Workers Compensation Physician must keep Claims Coordinator informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Township of Mount Laurel 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.

Fitness for Duty Policy:

Employees are required to be mentally and physically fit for duty for their current position. The Township may implement a base line physical for new hires to determine their fitness for duty for the position, dependent on the position applied. Current employees will be sent for psychological or medical fitness for duty exams on the recommendation of his or her Department Head where there is reasonable belief that the employee's perceived medical condition is affecting his/her performance or the employee poses a direct threat to himself/herself or others.

Drug and Alcohol Policy:

The Township of Mount Laurel recognizes that the possession and/or use of unlawful drugs – including marijuana and/or cannabis – and alcohol poses a threat to the health and safety of all employees. The Township of Mount Laurel is committed to maintaining a safe working environment. The objective of this policy is to maintain a working environment free from the adverse effects of substance and alcohol abuse.

The Township of Mount Laurel expects all employees to report to work unimpaired and able to perform the duties of their job safely and effectively. Employees must immediately report to

their Supervisor or Department Head any employee who is believed to be intoxicated or under the influence during working hours. Any employee who is observed by a Supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs – including marijuana and/or cannabis – during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline, up to and including termination. The Supervisor or Department Head will immediately report any reasonable suspicions to the Township Manager.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication; drug or controlled substance use, including use of marijuana and/or cannabis; or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. 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.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs – including marijuana and/or cannabis – on Township of Mount Laurel premises or during work hours by employees are strictly prohibited.

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

Employees prescribed and/or using prescription drugs that may affect job performance or safety must notify their department head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. For the safety of the employee, other Township employees and/or the public, the employee's Department Head may suspend employment or reassign the employee to other duties.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township of Mount Laurel property or while performing Township of Mount Laurel business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Township of Mount Laurel personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy, which includes random drug testing as required by the federal government.

Commercial Driver's License Drug and Alcohol Testing Policy:

SECTION A - GENERAL

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

The Township shall test, in accordance with Federal regulations, employees required to have a Commercial Driver's License (CDL) for the use of controlled substances that violate law or Federal regulation as well as the misuse of alcohol. In addition to meeting Federal regulations, the purpose of this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

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

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

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

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

Alcohol use means the drinking or swallowing of any beverage, liquid mixture, or preparation, (including any medication), containing alcohol.

CFR means Code of Federal Regulations.

Commerce means: (1) Any trade, traffic or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of

the United States and (2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in (1) of this definition.

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

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

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

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or
- (3) Is designed to transport 16 or more passengers, including the driver; or
- (4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

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

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

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

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

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

Designated employer representative (DER) is an individual identified by the Township as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of a public entity. Service agents cannot serve as DERs.

Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

- (1) Inclusions. Damage to motor vehicles that could have been driven but would have been further damaged if so driven.
- (2) Exclusions:
 - i. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - ii. Tire disablement without other damage even if no spare tire is available.
 - iii. Headlight or taillight damage.
 - iv. Damage to turn signals, horn, or windshield wipers which make them inoperative.

DOT Agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, 653, and 654) in accordance with 49 CFR part 40.

Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed Commercial Motor Vehicle drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Employer means an entity, including a municipal employer, employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with this Federal regulation. The term, as used in this policy, refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, including individuals employed by the entity who take personnel actions resulting from violations of this policy and any applicable DOT agency regulations. Service agents are not employers for the purpose of Federal regulations.

Negative return-to-duty test means a return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02, as described in § 40.305.

Performing (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Positive alcohol test means an alcohol test with an alcohol concentration of greater than or equal to 0.04.

Positive rate for random drug testing means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (i.e., positives, negatives, and refusals) under this part.

Refuse to submit means that you as a driver:

- (a) (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by C/TPA (see §40.61(a));
- (2) Fail to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
- (3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations; Provided that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c)) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see §§40.67(l) and 40.69(g));
- (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2));
- (6) Fail or decline to take an additional drug test the employer or collector has directed you to take (see, for instance, Sec.40.197 (b));
- (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under Sec. 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test; or
- (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- (9) For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the

observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

(10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

(11) Admit to the collector or MRO that you adulterated or substituted the specimen.

(12) For a breath alcohol test, refusing to sign the certification at Step 2 of the ATF 40.261 (a) (3).

(b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

(c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. 40.191

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

- (1) All time at an employer 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 operation;
- (4) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, using a vehicle for road clearing, snow removal, trash and recycling removal, remaining in readiness to operate the vehicle, and
- (5) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Screening test means:

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

Service agent means any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet DOT qualifications, if applicable. Service agents are not employers for purposes of this part.

Stand-down means the practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.

Violation rate for random alcohol testing means the number of 0.04 and above random alcohol confirmation test results conducted under this part plus the number of refusals of random alcohol tests required by this part, divided by the total number of random alcohol screening tests (including refusals) conducted under this part.

Applicability

This policy applies to every employee of the Township who operates a commercial motor vehicle in commerce in any State and is subject to the CDL requirements of part 383 or All Drivers Operating Commercial Motor Vehicles for public entities.

Period of Workday a Driver is Required to be in Compliance

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

- (1) All time at an employer or shipper 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 equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

A driver is required to be in compliance with this policy during that period of the workday when they are on-duty performing.

Driver Fitness for Duty

DOT regulations provide that the Township makes the final determination of who is a qualified individual to drive a commercial motor vehicle. 49 CFR § 391.11(a). The Township shall not permit a person to drive a commercial motor vehicle unless the person meets all DOT minimum qualifications and such other more stringent qualifications and requirements relating to safety of operation and employee safety and health as it may decide in its judgment and discretion. The Township shall use the services of independent Certified Medical Examiners, Occupational Medicine Physicians, Medical Review Officers, as well as other medical and industry professionals to make its final fitness for duty determinations.

Testing Procedures

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

Preemption of State and Local Laws

Except as provided in the paragraph below in this section, the Federal regulation requiring this alcohol and controlled substances testing preempts any State or local law, rule, regulation, order to the extent that:

- (1) Compliance with both the State or local requirement and the Federal regulation is not possible; or
- (2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement of this Federal regulation.

This policy, and the Federal regulation requiring it, shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees, the Township or the general public.

Other Requirements Imposed by Township

Except as expressly provided in this policy, nothing in the Federal regulation 382 and 49 CFR part 40 shall be construed to affect the authority of the Township or the rights of drivers, with respect to the use of alcohol, or the use of controlled substances, including authority and rights with respect to testing and rehabilitation. Accordingly, the Township may adopt, under its own authority, a Non-DOT drug and alcohol testing program.

Requirement for Notice

Before performing an alcohol or controlled substances test under the Federal regulation, the Township shall notify a driver that the alcohol or controlled substances test is required by Federal regulation. The Township shall not falsely represent that a test is administered under Federal regulation.

Starting Date for Testing Programs

All domestic-domiciled employers must implement the requirements of this policy the date the employer begins commercial motor vehicle operations. All foreign-domiciled employers must implement the requirements of this policy on the date the employer begins commercial motor vehicle operations in the United States.

Public Interest Exclusion

The Township shall not use the services of a service agent who is subject to a public interest exclusion (PIE) in accordance with 49 CFR part 40, Subpart R.

Employee Admission of Alcohol and Controlled Substance Use

Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this policy and 49 CFR part 40, provided that:

- (1) The admission is in accordance with the Township's written voluntary self-identification program or policy that meets the requirements of this section;
- (2) The driver does not self-identify in order to avoid testing under the requirements of this part;
- (3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (4) The driver does not perform a safety sensitive function until the Township is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

A qualified voluntary self-identification program or policy must contain the following elements:

- (1) It prohibits the Township from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and this section;
- (2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- (3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
- (4) It must ensure that:
 - (i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
 - (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and
- (5) It may incorporate employee monitoring and include non-DOT follow-up testing.

Driver Identification

For each alcohol test performed, the Township shall provide the driver's commercial driver's license number and State of issuance in Step 1, Section B of the Alcohol Testing Form (ATF).

For each controlled substance test performed under this part, the Township shall provide the following information, which must be recorded as follows:

- (i) The driver's commercial driver's license number and State of issuance in Step 1, section C of the Federal Drug Testing Custody and Control Form (CCF).
- (ii) The employer's name and other identifying information required in Step 1, section A of the ATF.

SECTION B - PROHIBITIONS

Alcohol Concentration

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. If the Township has actual knowledge that a driver has an alcohol concentration of 0.04 or greater, the driver will not be permitted to perform or continue to perform safety-sensitive functions.

On-Duty Use

No driver shall use alcohol while performing safety-sensitive functions. If the Township has actual knowledge that a driver is using alcohol while performing safety-sensitive functions, that driver shall not be permitted to perform or continue to perform safety-sensitive functions.

Pre-Duty Use

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. If the Township has actual knowledge of a driver who has used alcohol within four (4) hours, that driver will not be permitted to perform or continue to perform safety-sensitive functions.

Use Following an Accident

No driver required to take a post-accident alcohol test under 382.303 shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substances Test

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382.311. The Township shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Pre-Duty Disclosure of any Impairing Effect Medication or Substances

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 382.107, who has advised the driver

that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

The Township, having actual knowledge that a driver has used a controlled substance, shall not permit the driver to perform or continue to perform a safety-sensitive function.

The Township may require a driver to inform the Township of any therapeutic drug use.

Controlled Substances Testing

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The Township, having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances, shall not permit the driver to perform or continue to perform safety-sensitive functions. In accordance with 49 CFR Part 40.171, when the MRO has notified the driver that he or she has a verified positive drug test and/or refusal to test because of adulteration or substitution, the driver has 72 hours from the time of notification to request a test of the split specimen.

Employer Responsibilities

No employer may allow, require, permit or authorize a driver to operate a commercial motor vehicle during any period in which an employer determines that a driver is not in compliance with the return-to-duty requirements in 49 CFR part 40, subpart O, after the occurrence of any of the following events:

- (a) The driver receives a positive, adulterated, or substituted drug test result conducted under part 40;
- (b) The driver receives an alcohol confirmation test result of 0.04 or higher alcohol concentration conducted under part 40;
- (c) The driver refused to submit to a test for drugs or alcohol required under § 382; or
- (d) The driver used alcohol prior to a post-accident alcohol test in violation of § 382.209.

Consequences Of Conduct Prohibited By Section B. Any driver who engages in conduct prohibited by Section B of this policy will be subject to disciplinary action up to and including termination.

SECTION C - TESTS REQUIRED

Tests Required

Required testing includes pre-employment (controlled substances required, alcohol at option of the Township), post-accident, random, and reasonable suspicion. Return-to-duty and follow-up-testing is also required if the Township allows a "positive" test employee to return to a safety-sensitive function after the required evaluation by a Substance Abuse Professional and the required rehabilitation.

The Right to Conduct Non-DOT Drug and Alcohol Testing

In addition to drug and alcohol testing conducted by the Township pursuant to 49 CFR Part 40 and 49 CFR Part 382, the Township reserves the independent authority to screen and/or test employees under the Township's Policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective bargaining agreements. The term "illegal use of drugs" includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227]. This may also include a "zero tolerance" policy for the use of drugs or alcohol.

Pre-Employment

(a) Prior to the first time a driver performs safety-sensitive functions for the Township, the driver shall undergo testing for controlled substances as a condition prior to being used, unless the Township uses the exception in paragraph (b) of this section. The Township shall not allow a driver, who the Township intends to hire or use, to perform safety-sensitive functions unless the Township has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that driver.

(b) The Township is not required to administer a controlled substances test required by paragraph (a) of this section if:

(1) The driver has participated in a controlled substances testing program that meets the requirements of this policy within the previous 30 days; and

(2) While participating in that program, either--

(i) Was tested for controlled substances within the past 6 months (from the date of application with the Township), or

(ii) Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Township); and

(3) The Township ensures that no prior employer of the driver of whom the Township has knowledge has records of a violation of this policy or the controlled substances use rule of another DOT agency within the previous six months.

(c) (1) If the Township exercises the exception in paragraph (b) of this section, the Township shall contact the controlled substances testing program(s) in which the driver participates or participated and shall obtain and retain from the testing program(s) the following information:

(i) Name(s) and address(es) of the program(s).

(ii) Verification that the driver participates or participated in the program(s).

(iii) Verification that the program(s) conforms to part 40 of Federal regulations.

(iv) Verification that the driver is qualified under the rules of this policy, including that the driver has not refused to be tested for controlled substances.

(v) The date the driver was last tested for controlled substances.

(vi) The results of any tests taken within the previous six months and any other violations of Section B of this policy.

(2) If the Township who uses but does not employ a driver more than once a year to operate commercial motor vehicles must obtain the information in paragraph (c)(1) of this section at least once every six months. The records prepared under this paragraph shall be maintained in accordance with 382.401. If the Township cannot verify that the driver is participating in a controlled substances testing program in accordance with this policy and part 40 of Federal regulations, the Township shall conduct a pre-employment controlled substances test.

(d) The Township may, but is not required to, conduct pre-employment alcohol testing under this policy. If the Township chooses to conduct pre-employment alcohol testing, it must comply with the following requirements:

(1) It must conduct a pre-employment alcohol test before the first performance of safety-sensitive functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).

(2) It must treat all safety-sensitive employees performing safety-sensitive functions the same for the purpose of pre-employment alcohol testing (i.e., it must not test some covered employees and not others).

(3) It must conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

(4) It must conduct all pre-employment alcohol tests using the alcohol testing procedures of 49 CFR part 40 of Federal regulation.

(5) It must not allow a covered employee to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

Post-Accident

(a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Township shall test for alcohol for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(b) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the Township shall test for controlled substances for each of its surviving drivers:

(1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(2) Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

(i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(c) The following table notes when a post-accident test is required to be conducted by paragraphs (a)(1), (a)(2), (b)(1), and (b)(2) of this section:

<u>Type of Accident Involved</u>	<u>Citation Issued to CMV Driver</u>	<u>Test Must be Performed by the Authority</u>
Human Fatality	Yes	Yes
	No	Yes
Bodily Injured with Immediate Medical Treatment Away from the Scene	Yes	Yes
	No	No
Disabling Damage to any Motor Vehicle Requiring Tow	Yes	Yes
	No	No

(d) (1) Alcohol tests. If a test required by this section is not administered within two hours following the accident, the Township shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the Township shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

(2) Controlled substance tests. If a test required by this section is not administered within 32 hours following the accident, the Township shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

(e) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Township to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

(f) The Township shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

(g) (1) The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or

local alcohol testing requirements, and that the results of the tests are obtained by the Township.

(2) The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the Township.

(h) Exception. This section does not apply to:

- (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in 571.3) by the Township unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 177.823.

Random

(a) The Township shall comply with the requirements of this section. Every driver shall submit to random alcohol and controlled substance testing as required in this section.

(b) (1) Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions.

(2) Except as provided in paragraphs (f) through (h) of this section, the minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.

(c) (1) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

(2) Each driver selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made.

(3) Each driver selected for testing shall be tested during the selection period.

(d) (1) To calculate the total number of covered drivers eligible for random testing throughout the year, the Township, must add the total number of covered drivers eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in the Township's random testing pool, and all covered drivers must be in the random pool. If the Township conducts random testing more often than once per month (e.g., daily, weekly, bi-weekly) the Township does not need to compute this total number of covered drivers rate more than on a once per month basis.

(2) The Township may use a service agent (e.g., a C/TPA) to perform random selections and covered drivers may be part of a larger random testing pool of covered employees. However, the Township must ensure that the service agent is testing at the appropriate percentage established for FMCSA and that only covered employees are in the random testing pool

(e) (1) The Township shall ensure that random alcohol and controlled substances tests conducted under this policy are unannounced.

(2) The Township shall ensure that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

(f) The Township shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the Township shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

(g) A driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(h) If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the Township, the driver shall be subject to random alcohol and/or controlled substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

(i) If the Township is required to conduct random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one DOT agency, the Township may--

(1) Establish separate pools for random selection, with each pool containing the DOT-covered employees who are subject to testing at the same required minimum annual percentage rate; or

(2) Randomly select such employees for testing at the highest minimum annual percentage rate established for the calendar year by any DOT agency to which the Township is subject.

Reasonable Suspicion

(a) The Township shall require a driver to submit to an alcohol test when the Township has reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning alcohol. The Township's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

(b) The Township shall require a driver to submit to a controlled substances test when there is reasonable suspicion to believe that the driver has violated the prohibitions of Section B of this policy concerning controlled substances. The Township's determination that reasonable

suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

(c) The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or an official of the Township who is trained in accordance with 382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

(d) Alcohol testing is authorized by DOT/FMCSA regulations only if the observations required by paragraph (a) of this section are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the Federal regulation. A driver may be directed by the Township to only undergo reasonable suspicion alcohol testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

(e) (1) If an alcohol test required by DOT/FMCSA regulations is not administered within two (2) hours following the determination under paragraph (a) of this section, the Township shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by DOT/FMCSA regulations is not administered within eight (8) hours following the determination under paragraph (a) of this section, the Township shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(2) Notwithstanding the absence of a reasonable suspicion alcohol test under DOT/FMCSA regulations, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Township permit the driver to perform or continue to perform safety-sensitive functions, until:

- (i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
- (ii) Twenty four (24) hours have elapsed following the determination under paragraph (a) of this section that there is reasonable suspicion to believe that the driver has violated the prohibitions in this policy concerning the use of alcohol.

(3) Except as provided in paragraph (e)(2) of this section, the Township shall take no action under this policy against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This does not prohibit the Township with independent authority of DOT/FMCSA regulations from taking any action otherwise consistent with law.

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

Return-To-Duty

The requirements for return-to-duty testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

Follow-Up

The requirements for follow-up testing must be performed in accordance with 49 CFR part 40, Subpart O, including that such tests will be collected under direct observation.

SECTION D - HANDLING OF TEST RESULTS, RECORD RETENTION AND CONFIDENTIALITY

Retention Of Records

(a) General requirement. The Township shall maintain records of its alcohol misuse and controlled substances use prevention programs as provided in this section. The records shall be maintained in a secure location with controlled access.

(b) Period of retention. The Township shall maintain the records in accordance with the following schedule:

(1) *Five years.* The following records shall be maintained for a minimum of five years:

- (i) Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater,
- (ii) Records of driver verified positive controlled substances test results,
- (iii) Documentation of refusals to take required alcohol and/or controlled substances tests,
- (iv) Driver evaluation and referrals,
- (v) Calibration documentation,
- (vi) Records related to the administration of the alcohol and controlled substances testing programs,
- (vii) Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations, and
- (viii) A copy of each annual calendar year summary required by 382.403.

(2) *Two years.* Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

(3) *One year.* Records of negative and canceled controlled substances test results (as defined in part 40 of Federal regulations) and alcohol test results with a concentration of less than 0.02 shall be maintained for a minimum of one year.

(4) *Indefinite period.* Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the Township while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

(c) Types of records. The following specific records shall be maintained. "Documents generated" are documents that may have to be prepared under a requirement of Federal regulations and this policy. If the record is required to be prepared, it must be maintained.

(1) Records related to the collection process:

- (i) Collection logbooks, if used,
- (ii) Documents relating to the random selection process,
- (iii) Calibration documentation for evidential breath testing devices,
- (iv) Documentation of breath alcohol technician training,
- (v) Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests,
- (vi) Documents generated in connection with decisions on post-accident tests,
- (vii) Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing and
- (viii) A copy of each annual calendar year summary as required by 382.403.

(2) Records related to a driver's test results:

- (i) The Township's copy of the alcohol test form, including the results of the test,
- (ii) The Township's copy of the controlled substances test chain of custody and control form,
- (iii) Documents sent by the MRO to the Township, including those required by part 40, Subpart G,
- (iv) Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this policy and
- (v) Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this policy.
- (vi) Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results that the Township:
 - (A) Must obtain in connection with the exception contained in 382.301 of this policy, and
 - (B) Must obtain as required by 382.413.

(3) Records related to other violations of this policy.

(4) Records related to evaluations:

- (i) Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance and
- (ii) Records concerning a driver's compliance with recommendations of the substance abuse professional.

(5) Records related to education and training:

- (i) Materials on alcohol misuse and controlled substances use awareness, including a copy of the Township's policy on alcohol misuse and controlled substances use,
- (ii) Documentation of compliance with requirements of 382.601, including the driver's signed receipt of education materials,
- (iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion;

- (iv) Documentation of training for breath alcohol technicians as required by 40.213(a), and
- (v) Certification that any training conducted under these Federal Regulations complies with requirements for such training.
- (6) Administrative records related to alcohol and controlled substances testing:
 - (i) Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, and consortia and/or with a C/TPA,
 - (ii) Names and positions of officials and their role in the Township's alcohol and controlled substances testing program(s),
 - (iii) Semi-annual laboratory statistical summaries of urinalysis required by 40.111 (a) of Federal regulations and
 - (iv) The Township's alcohol and controlled substances testing policy and procedures.

(d) Location of records. All records required by this policy shall be maintained as required by 390.31 and shall be made available for inspection at the Township's principal place of business within two business days after a request has been made by an authorized representative of the FMCSA.

Reporting of Results in a Management Information System

(a) The Township shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this part during the previous calendar year, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Township or any of its drivers.

(b) If the Township is notified, during the month of January, of a request by the Federal Motor Carrier Safety Administration to report the Township's annual calendar year summary information, the Township shall prepare and submit the report to the FMCSA by March 15 of that year. The Township shall ensure that the annual summary report is accurate and received by March 15 at the location that the FMCSA specifies in its request. The Township must use the Management Information System (MIS) form and instructions as required by 49 CFR part 40 (at Sec. 40.26 and appendix H to part 40). The Township may also use the electronic version of the MIS form provided by the DOT. The Administrator may designate means (e.g., electronic program transmitted via the Internet), other than hard-copy, for MIS form submission. For information on the electronic version of the form, see: <http://www.fmcsa.dot.gov/safetyprogs/drugs/engtesting.htm>. You must use the form at appendix H to this part. You may also view and download the updated (1.01.2018) instructions at the DOT's website: (<https://www.transportation.gov/odapc>). You must submit the MIS report in accordance with rule requirements (e.g., dates for submission, selection of companies required to submit, and method of reporting) established by the DOT agency regulating your operation.

(c) When the report is submitted to the FMCSA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The Township shall ensure the accuracy and timeliness of each report submitted by the Township or a consortium.

(d) If the Township has a covered employee who performs multi-DOT agency functions (e.g., an employee drives a commercial motor vehicle and performs pipeline maintenance duties for the Township), then that employee shall be counted only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. The Township may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(e) A service agent (e.g., Consortia/Third party administrator as defined in 49 CFR 382.107) may prepare the MIS report on behalf of the Township. However, an official of Township (e.g., Designated employer representative) must certify the accuracy and completeness of the MIS report, no matter who prepares it.

Access to Facilities and Records

(a) Except as required by law or expressly authorized or required, the Township shall not release driver information that is contained in records required to be maintained under 382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substances tests. The Township will promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

(c) The Township shall permit access to all facilities utilized in complying with the requirements of this policy to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Township or any of its drivers.

(d) The Township and each service agent who maintains records for an employer, must make available copies of all results for DOT alcohol and/or controlled substances testing conducted by the Township and any other information pertaining to the Township's alcohol misuse and/or controlled substances use prevention program when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Township or any of its drivers.

(e) When requested by the National Transportation Safety Board as a part of a crash investigation:

(i) The Township must disclose information related to the Township's administration of a post-accident alcohol and/or a controlled substances test administered following the crash under investigation; and

(ii) FMCSA will provide access to information in the Clearinghouse (once established) concerning drivers who are involved with the crash under investigation.

(f) When requested by the National Transportation Safety Board as part of an accident investigation, the Township shall disclose information related to the Township's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.

(g) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(h) The Township may disclose information required to be maintained under this policy pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought).

(i) The Township shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in 49 CFR part 40.321(b).

Medical Review Officer Notifications to the Township

The medical review officer shall report the results of controlled substances tests to the Township in accordance with the requirements of 49 CFR part 40, Subpart G.

Medical Review Officer Record Retention for Controlled Substances

(a) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years for verified positive controlled substances test results.

(b) A medical review officer or third party administrator shall maintain all dated records and notifications, identified by individual, for a minimum of one (1) year for negative and canceled controlled substances test results.

(c) No person may obtain the individual controlled substances test results retained by a medical review officer (MRO as defined in § 40.3) or a consortium/third party administrator (C/TPA as defined in 382.107), and no MRO or C/TPA may release the individual controlled substances test results of any driver to any person, without first obtaining a specific, written authorization from the tested driver. Nothing in this paragraph (c) shall prohibit a MRO or a C/TPA from releasing to the employer, the Clearinghouse (once established), or to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the controlled substances and alcohol testing program under this part, the information delineated in part 40, subpart G.

Employer Notifications

(a) The Township shall notify a driver of the results of a pre-employment controlled substances test conducted under this policy, if the driver applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The Township shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The Township shall also inform the driver which controlled substance or substances were verified as positive.

(b) The designated employer representative (DER) shall make reasonable efforts to contact and request each driver who submitted a specimen under this policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

(c) The designated employer representative (DER) shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within 24 hours.

Inquiries for Alcohol and Controlled Substances Information from Previous Employers

(a) The Township must request alcohol and controlled substances information from previous employers in accordance with the requirements of § 40.25, except that the Township must request information from all DOT-regulated employers that employed the driver within the previous 3 years and the scope of the information requested must date back 3 years.

(b) As of January 6, 2023, employers must use the Drug and Alcohol Clearinghouse in accordance with § 382.701(a) to comply with the requirements of § 40.25 of this title with respect to FMCSA-regulated employers. *Exception:* When an employee who is subject to follow-up testing has not successfully completed all follow-up tests, employers must request the previous employer's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5).

(c) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT Agency other than FMCSA, the Township must request the alcohol and controlled substances information required under this section and § 40.25 directly from those employers regulated by a DOT Agency other than FMCSA.

Notification to Employers of a Controlled Substances or Alcohol Testing Program Violation

Each person holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements under § 382 who has violated the alcohol and controlled substances prohibitions under part 40 or under § 382 without complying with the requirements of part 40, subpart O, must notify in writing all current employers of such violation(s). The driver is not required to provide notification to the employer that administered the test or documented the circumstances that gave rise to the violation. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first.

SECTION E - CONSEQUENCES FOR DRIVERS ENGAGING IN SUBSTANCE USE-RELATED CONDUCT

Removal from Safety-Sensitive Function

- (a) Except as provided in Section F of this policy, no driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by Section B of this policy or an alcohol or controlled substances rule of another DOT agency.
- (b) The Township shall not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the Township has determined that the driver has violated this policy.
- (c) For the purposes of DOT/FMCSA regulations, commercial motor vehicle means a commercial motor vehicle in commerce as defined in 382.107 and a commercial motor vehicle in interstate commerce as defined in part 390.

Required Evaluation and Testing

No driver who has engaged in conduct prohibited by Section B of this policy shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O. The Township shall not permit a driver who has engaged in conduct prohibited by Section B of this policy to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of 49 CFR part 40, Subpart O.

Other Alcohol-Related Conduct

- (a) No driver tested under the provisions of Section C of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for the Township, including driving a commercial motor vehicle, nor shall the Township permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- (b) Except as provided in paragraph (a) of this section, the Township shall not take any action under this policy against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the Township with authority independent of this policy from taking any action otherwise consistent with law.

Penalties

The Township and/or driver who violates the FMCSA requirements of § 382 and/or 49 CFR part 40 shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. Section 521(b).

SECTION F – ALCOHOL MISUSE AND CONTROLLED SUBSTANCES USE
INFORMATION, TRAINING, AND REFERRAL

The Township's Obligation to Promulgate a Policy on the Misuse of Alcohol and Use of Controlled Substances

(a) General requirements. The Township shall provide educational materials that explain the requirements of this policy and the Township's policies and procedures with respect to meeting the FMCSA alcohol and drug testing requirements.

- (1) The Township shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this policy and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- (2) The Township shall provide written notice to representatives of employee organizations of the availability of this information.

(b) Required content. The materials to be made available to drivers shall include detailed discussion of at least the following:

- (1) The identity of the person designated by the Township to answer driver questions about the materials;
- (2) The categories of drivers who are subject to the provisions of this policy;
- (3) Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with the policy;
- (4) Specific information concerning driver conduct that is prohibited by this policy;
- (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this policy including post-accident testing under 382.303(d);
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions required by 382.303(d);
- (7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy;
- (8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- (9) The consequences for drivers found to have violated Section B of this policy, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under 49 CFR part 40, Subpart O;
- (10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
- (11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including

confrontation, referral to any employee assistance program and/or referral to management;

(c) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse (once established):

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

(d) Optional provision. The materials supplied to drivers may also include information on the Township's additional policies with respect to the use or possession of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the Township's authority independent of Federal regulation. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(e) Certificate of receipt. The Township shall ensure that each driver is required to sign a statement certifying that he/she has received a copy of these materials described in this section. The Township shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

Training for Supervisors

The Township shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under § 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

Referral, Evaluation, and Treatment

The requirements for referral, evaluation, and treatment must be performed in accordance with 49 CFR part 40, Subpart O.

SECTION G – REQUIREMENTS AND PROCEDURES FOR IMPLEMENTATION OF THE COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

Drug and Alcohol Clearinghouse

(a) Pre-employment query required.

- (1) Employers must not employ a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance, in violation of § 382.213.
- (2) The Township must conduct a full query under this section, which releases information in the Clearinghouse to an employer and requires that the individual driver give specific consent.

(b) Annual query required.

- (1) The Township must conduct a query of the Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 382, to determine whether information exists in the Clearinghouse about those employees.
- (2) In lieu of a full query, as described in paragraph (a)(2) of 382.701, the Township may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement in paragraph (b)(1) of this section. The limited query will tell the Township whether there is information about the individual driver in the Clearinghouse, but will not release that information to the Township. The individual driver may give consent to conduct limited queries that is effective for more than one year.
- (3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, in accordance with paragraph (a)(2) of 382.701, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any safety-sensitive function until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions as defined in paragraph (d) of 382.701.

(c) **Employer notification.** If any information described in paragraph (a) of 382.701 is entered into the Clearinghouse about a driver during the 30-day period immediately following an employer conducting a query of that driver's records, FMCSA will notify the employer.

(d) **Prohibition.** No employer may allow a driver to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of § 382.211; or that an employer has reported actual knowledge, as defined at § 382.107, that the driver used alcohol

on duty in violation of § 382.205, used alcohol before duty in violation of § 382.207, used alcohol following an accident in violation of § 382.209, or used a controlled substance in violation of § 382.213, except where a query of the Clearinghouse demonstrates:

- (1) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, of this title; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.
- (2) That, if the driver has not completed all follow-up tests as prescribed by the SAP in accordance with § 40.307 and specified in the SAP report required by § 40.311, the driver has completed the SAP evaluation, referral, and education/treatment process set forth in part 40, subpart O, and achieves a negative return-to-duty test result, and the employer assumes the responsibility for managing the follow-up testing process associated with the testing violation.

(d) Recordkeeping required. Employers must retain for 3 years a record of each query and all information received in response to each query made under this section. As of January 6, 2023, an employer who maintains a valid registration fulfills this requirement.

Driver Consent to Permit Access to Information in the Clearinghouse

(a) No employer may query the Clearinghouse to determine whether a record exists for any particular driver without first obtaining that driver's written or electronic consent. The employer conducting the search must retain the consent for 3 years from the date of the last query.

(b) Before the Township may access information contained in the driver's Clearinghouse record, the driver must submit electronic consent through the Clearinghouse granting the employer access to the following specific records:

- (1) A verified positive, adulterated, or substituted controlled substances test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to a test in violation of § 382.211;
- (4) An employer's report of actual knowledge, as defined at § 382.107, of:
 - (i) On duty alcohol use pursuant to § 382.205;
 - (ii) Pre-duty alcohol use pursuant to § 382.207;
 - (iii) Alcohol use following an accident pursuant to § 382.209; and
 - (iv) Controlled substance use pursuant to § 382.213;
- (5) A SAP report of the successful completion of the return-to-duty process;
- (6) A negative return-to-duty test; and
- (7) An employer's report of completion of follow-up testing.

(c) No employer may permit a driver to perform a safety-sensitive function if the driver refuses to grant the consent required by paragraphs (a) and (b) of 382.703.

(d) A driver granting consent under 382.703 must provide consent electronically to the Agency through the Clearinghouse prior to release of information to an employer in accordance with § 382.701(a)(2) or (b)(3).

(e) A driver granting consent under this section grants consent for the Agency to release information to an employer in accordance with § 382.701(c).

Reporting to the Clearinghouse

(a) *MROs.*

(1) Within 2 business days of making a determination or verification, MROs must report the following information about a driver to the Clearinghouse:

- (i) Verified positive, adulterated, or substituted controlled substances test results;
- (ii) Refusal-to-test determination by the MRO in accordance with 49 CFR 40.191(a)(5), (7), and (11), (b), and (d)(2).

(2) MROs must provide the following information for each controlled substances test result specified in paragraph (a)(1) of this section:

- (i) Reason for the test;
- (ii) Federal Drug Testing Custody and Control Form specimen ID number;
- (iii) Driver's name, date of birth, and CDL number and State of issuance;
- (iv) Employer's name, address, and USDOT number, if applicable;
- (v) Date of the test;
- (vi) Date of the verified result; and
- (vii) *Test result.* The test result must be one of the following:
 - (A) Positive (including the controlled substance(s) identified);
 - (B) Refusal to test: adulterated;
 - (C) Refusal to test: substituted; or
 - (D) Refusal to provide a sufficient specimen after the MRO makes a determination, in accordance with § 40.193 of this title, that the employee does not have a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. Under this subpart a refusal would also include a refusal to undergo a medical examination or evaluation to substantiate a qualifying medical condition.

(3) Within 1 business day of making any change to the results report in accordance with paragraph (a)(1) of this section, a MRO must report that changed result to the Clearinghouse.

(b) *Employers.*

(1) Employers must report the following information about a driver to the Clearinghouse by the close of the third business day following the date on which they obtained that information:

- (i) An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- (ii) A negative return-to-duty test result;
- (iii) A refusal to take an alcohol test pursuant to 49 CFR 40.261;
- (iv) A refusal to test determination made in accordance with 49 CFR 40.191(a)(1) through (4), (a)(6), (a)(8) through (11), or (d)(1), but in the case of a refusal to test under (a)(11), the employer may report only those admissions made to the specimen collector; and

- (v) A report that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title.
- (2) The information required to be reported under paragraph (b)(1) of this section must include, as applicable:
 - (i) Reason for the test;
 - (ii) Driver's name, date of birth, and CDL number and State of issuance;
 - (iii) Employer name, address, and USDOT number;
 - (iv) Date of the test;
 - (v) Date the result was reported; and
 - (vi) *Test result*. The test result must be one of the following:
 - (A) Negative (only required for return-to-duty tests administered in accordance with § 382.309);
 - (B) Positive; or
 - (C) Refusal to take a test.
- (3) For each report of a violation of 49 CFR 40.261(a)(1) or 40.191(a)(1), the employer must report the following information:
 - (i) Documentation, including, but not limited to, electronic mail or other contemporaneous record of the time and date the driver was notified to appear at a testing site; and the time, date and testing site location at which the employee was directed to appear, or an affidavit providing evidence of such notification;
 - (ii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, indicating the date the employee was terminated or resigned (if applicable);
 - (iii) Documentation, including, but not limited to, electronic mail or other correspondence, or an affidavit, showing that the C/TPA reporting the violation was designated as a service agent for an employer who employs himself/herself as a driver pursuant to paragraph (b)(6) of this section when the reported refusal occurred (if applicable); and
 - (iv) Documentation, including a certificate of service or other evidence, showing that the employer provided the employee with all documentation reported under paragraph (b)(3) of this section.
- (4) Employers must report the following violations by the close of the third business day following the date on which the employer obtains actual knowledge, as defined at § 382.107, of:
 - (i) On-duty alcohol use pursuant to § 382.205;
 - (ii) Pre-duty alcohol use pursuant to § 382.207;
 - (iii) Alcohol use following an accident pursuant to § 382.209; and
 - (iv) Controlled substance use pursuant to § 382.213.
- (5) For each violation in paragraph (b)(4) of this section, the employer must report the following information:
 - (i) Driver's name, date of birth, CDL number and State of issuance;
 - (ii) Employer name, address, and USDOT number, if applicable;
 - (iii) Date the employer obtained actual knowledge of the violation;
 - (iv) Witnesses to the violation, if any, including contact information;

- (v) Description of the violation;
 - (vi) Evidence supporting each fact alleged in the description of the violation required under paragraph (b)(4) of this section, which may include, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than admissions pursuant to § 382.121), correspondence, or other documentation; and
 - (vii) A certificate of service or other evidence showing that the employer provided the employee with all information reported under paragraph (b)(4) of this section.
- (6) An employer who employs himself/herself as a driver must designate a C/TPA to comply with the employer requirements in paragraph (b) of this section related to his or her own alcohol and controlled substances use.

(c) C/TPAs. Any employer may designate a C/TPA to perform the employer requirements in paragraph (b) of this section. Regardless of whether it uses a C/TPA to perform its requirements, the employer retains ultimate responsibility for compliance with this section. Exception: an employer does not retain responsibility where the C/TPA is designated to comply with employer requirements as described in paragraph (b)(6) of 382.705.

(d) SAPs.

- (1) SAPs must report to the Clearinghouse for each driver who has completed the return-to-duty process in accordance with 49 CFR part 40, subpart O, the following information:
 - (i) SAPs name, address, and telephone number;
 - (ii) Driver's name, date of birth, and CDL number and State of issuance;
 - (iii) Date of the initial substance-abuse-professional assessment; and
 - (iv) Date the SAP determined that the driver demonstrated successful compliance as defined in 49 CFR part 40, subpart O, and was eligible for return-to-duty testing under 382.
- (2) SAP must report the information required by paragraphs (d)(1)(i) through (iii) of this section by the close of the business day following the date of the initial substance abuse assessment, and must report the information required by paragraph (d)(1)(iv) of 382.703 by the close of the business day following the determination that the driver has completed the return-to-duty process.

(e) Reporting truthfully and accurately. Every person or entity with access must report truthfully and accurately to the Clearinghouse and is expressly prohibited from reporting information he or she knows or should know is false or inaccurate.

Reporting Entities and Circumstances	
Reporting Entity	When Information Will Be Reported to Clearinghouse
Prospective/Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
Service Agent acting on behalf of Current Employer of CDL Driver	<ul style="list-style-type: none"> — An alcohol confirmation test with a concentration of 0.04 or higher — Refusal to test (alcohol) as specified in 49 CFR 40.261 — Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191 — Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. — Negative return-to-duty test results (drug and alcohol testing, as applicable) — Completion of follow-up testing
MRO	<ul style="list-style-type: none"> — Verified positive, adulterated, or substituted drug test result — Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191
SAP	<ul style="list-style-type: none"> — Identification of driver and date the initial assessment was initiated — Successful completion of treatment and/or education and the determination of eligibility for return-to-duty testing

Notice to Drivers of Entry, Revision, Removal, or Release of Information

(a) FMCSA must notify a driver when information concerning that driver has been added to, revised, or removed from the Clearinghouse.

(b) FMCSA must notify a driver when information concerning that driver has been released from the Clearinghouse to an employer and specify the reason for the release.

(c) Drivers will be notified by letter sent by U.S. Mail to the address on record with the State Driver Licensing Agency that issued the driver's commercial driver's license. Exception: A driver may provide the Clearinghouse with an alternative means or address for notification, including electronic mail.

Drivers' Access to Information in the Clearinghouse

A driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A driver must register with the Clearinghouse before accessing his or her information.

Clearinghouse Registration

(a) Clearinghouse registration required. Each employer and service agent must register with the Clearinghouse before accessing or reporting information in the Clearinghouse.

(b) Employers.

- (1) Employer Clearinghouse registration must include:
 - (i) Name, address, and telephone number;
 - (ii) USDOT number, except if the registrant does not have a USDOT Number, it may be requested to provide other information to verify identity; and
 - (iii) Name of the person(s) the employer authorizes to report information to or obtain information from the Clearinghouse and any additional information FMCSA needs to validate his or her identity.
- (2) Employers must verify the names of the person(s) authorized under paragraph (b)(1)(iii) of this section annually.
- (3) Identification of the C/TPA or other service agent used to comply with the requirements of this part, if applicable, and authorization for the C/TPA to query or report information to the Clearinghouse. Employers must update any changes to this information within 10 days.

(c) MROs and SAPs. Each MRO or SAP must provide the following to apply for Clearinghouse registration:

- (1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity;
- (2) A certification that the applicant's access to the Clearinghouse is conditioned on his or her compliance with the applicable qualification and/or training requirements in 49 CFR part 40; and
- (3) Evidence of required professional credentials to verify that the applicant currently meets the applicable qualification and/or training requirements in 49 CFR part 40.

(d) C/TPAs and other service agents. Each consortium/third party administrator or other service agent must provide the following to apply for Clearinghouse registration:

- (1) Name, address, telephone number, and any additional information FMCSA needs to validate the applicant's identity; and
- (2) Name, title, and telephone number of the person(s) authorized to report information to and obtain information from the Clearinghouse.
- (3) Each C/TPA or other service agent must verify the names of the person(s) authorized under paragraph (d)(2) of 382.711 annually.

Duration, Cancellation, and Revocation of Access

(a) Term. Clearinghouse registration is valid for 5 years, unless cancelled or revoked.

(b) Cancellation. FMCSA will cancel Clearinghouse registrations for anyone who has not queried or reported to the Clearinghouse for 2 years.

(c) Revocation. FMCSA has the right to revoke the Clearinghouse registration of anyone who fails to comply with any of the prescribed rights and restrictions on access to the Clearinghouse, including but not limited to, submission of inaccurate or false information and misuse or misappropriation of access rights or protected information from the Clearinghouse and failure to maintain the requisite qualifications, certifications and/or training requirements as set forth in part 40 of this title.

Authorization to Enter Information into the Clearinghouse

(a) C/TPAs. No C/TPA or other service agent may enter information into the Clearinghouse on an employer's behalf unless the employer designates the C/TPA or other service agent.

(b) SAPs. A driver must designate a SAP before that SAP can enter any information about the driver's return-to-duty process into the Clearinghouse.

Procedures for Correcting Information in the Database

(a) Petitions limited to inaccurately reported information.

(1) Under this section, petitioners may challenge only the accuracy of information reporting, not the accuracy of test results or refusals.

(2) *Exceptions*.

(i) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge that the driver received a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances if the citation did not result in a conviction. For the purposes of this section, conviction has the same meaning as used in 49 CFR part 383.

(ii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of actual knowledge (other than as provided for in paragraph (a)(2)(i) of this section) if that report does not comply with the reporting requirements in § 382.705(b)(5).

(iii) Petitioners may request that FMCSA remove from the Clearinghouse an employer's report of a violation under 49 CFR 40.261(a)(1) or 40.191(a)(1) if that report does not comply with the reporting requirements in § 382.705(b)(3).

(b) Petition. Any driver or authorized representative of the driver may submit a petition to the FMCSA contesting the accuracy of information in the Clearinghouse. The petition must include:

(1) The petitioner's name, address, telephone number, and CDL number and State of issuance;

- (2) Detailed description of the basis for the allegation that the information is not accurate; and
- (3) Evidence supporting the allegation that the information is not accurate. Failure to submit evidence is cause for dismissing the petition.

(c) Submission of petition. The petitioner may submit his/her petition electronically through the Clearinghouse or in writing to: Federal Motor Carrier Safety Administration, Office of Enforcement and Compliance, Attention: Drug and Alcohol Program Manager, 1200 New Jersey Avenue SE, Washington, D.C. 20590.

(d) Notice of decision. Within 45 days of receiving a complete petition, FMCSA will inform the driver in writing of its decision to remove, retain, or correct the information in the database and provide the basis for the decision.

(e) Request for expedited treatment.

- (1) A driver may request expedited treatment to correct inaccurate information in his or her Clearinghouse record under paragraph (a)(1) of this section if the inaccuracy is currently preventing him or her from performing safety-sensitive functions, or to remove employer reports under paragraph (a)(2) of this section if such reports are currently preventing him or her from performing safety-sensitive functions. This request may be included in the original petition or as a separate document.
- (2) If FMCSA grants expedited treatment, it will subsequently inform the driver of its decision in writing within 14 days of receipt of a complete petition.

(f) Administrative review.

- (1) A driver may request FMCSA to conduct an administrative review if he or she believes that a decision made in accordance with paragraph (d) or (e) of this section was in error.
- (2) The request must prominently state at the top of the document: “Administrative Review of Drug and Alcohol Clearinghouse Decision” and the driver may submit his/her request electronically through the Clearinghouse or in writing to the Associate Administrator for Enforcement (MC-E), Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590.
- (3) The driver’s request must explain the error he or she believes FMCSA committed and provide information and/or documents to support his or her argument.
- (4) FMCSA will complete its administrative review no later than 30 days after receiving the driver’s request for review. The Associate Administrator’s decision will constitute the final Agency action.

(g) Subsequent notification to employers. When information is corrected or removed in accordance with this section, or in accordance with 49 CFR part 10, FMCSA will notify any employer that accessed the incorrect information that a correction or removal was made.

Availability and Removal of Information

(a) Driver information not available. Information about a driver's drug or alcohol violation will not be available to an employer conducting a query of the Clearinghouse after all of the following conditions relating to the violation are satisfied:

- (1) The SAP reports to the Clearinghouse the information required in § 382.705(d);
- (2) The employer reports to the Clearinghouse that the driver's return-to-duty test results are negative;
- (3) The driver's current employer reports that the driver has successfully completed all follow-up tests as prescribed in the SAP report in accordance with §§ 40.307, 40.309, and 40.311 of this title; and
- (4) Five years have passed since the date of the violation determination.

(b) Driver information remains available. Information about a particular driver's drug or alcohol violation will remain available to employers conducting a query until all requirements in paragraph (a) of this section have been met.

(c) Exceptions.

- (1) Within 2 business days of granting a request for removal pursuant to § 382.717(a)(2)(i), FMCSA will remove information from the Clearinghouse.
- (2) Information about a particular driver's drug or alcohol violation may be removed in accordance with § 382.717(a)(2)(ii) and (iii) or in accordance with 49 CFR part 10.

(d) Driver information remains available. Nothing in this part shall prevent FMCSA from using information removed under this section for research, auditing, or enforcement purposes.

Fees

FMCSA may collect a reasonable fee from entities required to query the Clearinghouse. *Exception:* No driver may be required to pay a fee to access his or her own information in the Clearinghouse.

Unauthorized Access or Use Prohibited

(a) Except as expressly authorized in this subpart, no person or entity may access the Clearinghouse. No person or entity may share, distribute, publish, or otherwise release any information in the Clearinghouse except as specifically authorized by law. No person may report inaccurate or misleading information to the Clearinghouse.

(b) An employer's use of information received from the Clearinghouse is limited to determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle. No employer may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining whether a prohibition applies to a driver performing a safety-sensitive function with respect to a commercial motor vehicle.

(c) Violations of this section are subject to civil and criminal penalties in accordance with applicable law, including those set forth at § 382.507.

(d) Nothing in this part shall prohibit FMCSA from accessing information about individual drivers in the Clearinghouse for research, auditing, or enforcement purposes.

Access by State Licensing Authorities

(a) In order to determine whether a driver is qualified to operate a commercial motor vehicle, the chief commercial driver's licensing official of a State must obtain the driver's record from the Clearinghouse if the driver has applied for a commercial driver's license from that State.

(b) By applying for a commercial driver's license, a driver is deemed to have consented to the release of information from the Clearinghouse in accordance with this section.

(c) The chief commercial driver's licensing official's use of information received from the Clearinghouse is limited to determining an individual's qualifications to operate a commercial motor vehicle. No chief driver's licensing official may divulge or permit any other person or entity to divulge any information from the Clearinghouse to any person or entity not directly involved in determining an individual's qualifications to operate a commercial motor vehicle.

(d) A chief commercial driver's licensing official who does not take appropriate safeguards to protect the privacy and confidentiality of information obtained under this section is subject to revocation of his or her right of access under this section.

Penalties

An employer, employee, MRO, or service agent who violates any provision of this subpart shall be subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b)(2)(C).

Investigation And Inquiries

As of January 6, 2023, employers subject to § 382.701(a) of § 382 must use the Drug and Alcohol Clearinghouse to comply with the requirements of this section with respect to FMCSA-regulated employers.

Exceptions.

- (A) If an applicant who is subject to follow-up testing has not successfully completed all follow-up tests, the employer must request the applicant's follow-up testing plan directly from the previous employer in accordance with § 40.25(b)(5) of Part 40.
- (B) If an applicant was subject to an alcohol and controlled substance testing program under the requirements of a DOT mode other than FMCSA, the employer must request alcohol and controlled substances information required under this section directly from those employers regulated by a DOT mode other than FMCSA.

A prospective motor carrier employer must provide to the previous employer the driver's consent meeting the requirements of § 40.321(b) of Part 40 for the release of the information in paragraph (e) of 391.23. If the driver refuses to provide this consent, the prospective motor

carrier employer must not permit the driver to operate a commercial motor vehicle for that motor carrier.

If a driver refuses to grant consent for the prospective motor carrier employer to query the Drug and Alcohol Clearinghouse in accordance with paragraph (e)(4) of 391.23, the prospective motor carrier employer must not permit the driver to operate a commercial motor vehicle.

Workplace Violence Policy:

The Township of Mount Laurel will not tolerate workplace violence. The Township has established a zero tolerance policy for all and any violence in the workplace. 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 Township of Mount Laurel property, at Township of Mount Laurel events or under other circumstances that may negatively affect the Township of Mount Laurel's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing or threatening to cause 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 Township of Mount Laurel property or while on Township of Mount Laurel 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. The Township of Mount Laurel will promptly and thoroughly investigate all reports of threats of or actual violence. The Township of Mount Laurel will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:

It is the Township's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, 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 (though is not limited to) slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal written, printed or physical conduct. Treating an individual less favorably based on a person's protected characteristic will not be tolerated. Any form of harassment related to an employee's protected characteristic violates this policy.

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

If an employee is a 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 their 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 Township generally. The Township of Mount Laurel 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.

This policy against harassment is to be construed as a unilateral expression of the policy of the Employer concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed.

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

Anti-Sexual Harassment Policy:

It is the Township's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township of Mount Laurel prohibits sexual harassment from occurring in the workplace or at any other location at which Township of Mount Laurel 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 or appearance; 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).

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

If an employee is a witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.

Harassment of Township of Mount Laurel 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 Township of Mount Laurel generally. The Township of Mount Laurel 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 the Township Manager so that steps are taken to correct them.

When the Township Manager is alerted to an allegation(s) that any act of discrimination, harassment or conduct causing a hostile work environment, the Township Manager has a duty to examine the complaint and to remedy the offense (if founded) and to prevent future incidents. In this vein, supervisors have a duty to conduct prompt and thorough investigation of the event that elicits information from all involved parties.

This policy against sexual harassment is to be construed as a unilateral expression of the policy of the Employer concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed.

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

“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 Township of Mount Laurel 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, Township Manager, 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 Department Head and the Township Manager. 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. See Employee Complaint Policy. The complaint should detail the specific information the employee possesses so that the Township of Mount Laurel may undertake an investigation.

Under the law, the employee must give the Township of Mount Laurel a reasonable opportunity to correct the activity, policy or practice. It is the Township's responsibility to correct or prevent such violations. This is a legal obligation. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy:

Any and all actions an employee believes to constitute, sexual harassment, or any other workplace wrongdoing should immediately be reported to the employee's Supervisor, or, if they prefer, or do not think that the matter can be discussed with their Supervisor, they should contact the Department Head, the Township Manager, or the Labor Attorney. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, located at the end of the Handbook. 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 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 the incident.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township of Mount Laurel. 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 dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall provide written communication the grievance to the supervisor or Department Head who will discuss the matter with the Township Manager. 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 Township Manager 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 days working days of the step one decision. After consulting with the Labor Attorney the Township Manager will render a written decision to the employee within five working days after receipt of the written grievance.

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.

Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Township Manager's office or designee. 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.

Any employee may review their file in the presence of the Township Manager or designee upon reasonable notice.

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

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

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Township's compliance with applicable law;
- To the Township's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Township of Mount Laurel 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."

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

Conflict of Interest Policy:

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

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

A potential or actual conflict of interest occurs whenever an employee including a Township of Mount Laurel official is in a position to influence a Township of Mount Laurel 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 Township of Mount Laurel may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Township Manager, who may seek advisement from the Township Solicitor or Township labor attorney to obtain clarification.

Employees are allowed to hold outside employment with written consent of the Township Manager and as long as it does not interfere with their Township of Mount Laurel responsibilities. Employees are prohibited from using sick time, personal leave or other leave of absence emoluments to work at another organization and/or refuse to return to work as an essential employee for snowstorms or other events. Police, EMS, Public Works and Management are considered essential employees. Employees are prohibited from engaging in outside employment activities while on the job or using Township of Mount Laurel time, supplies or equipment in the outside employment activities. The Township Manager may request employees to restrict or may deny outside employment. Any employees who holds an interest in, or is employed by, any business doing business with the Township of Mount Laurel must submit a written notice of these outside interests to the Township Manager.

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

While the Township of Mount Laurel recognizes the First Amendment rights of all of its employees, unless expressly authorized by the Township, employees are not allowed to make statements on behalf of the Township. This includes statements to the general public, media or other people, boards, or groups of individuals. This includes statements made on personal or group web pages and web sites, including but not limited to Facebook, Instagram, YouTube, MySpace, Twitter, etc. Employees will not post information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner.

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 Township of Mount Laurel time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise; soliciting funds for campaigns or campaign materials; inviting people or groups of people to non-Township sponsored events.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

- be a candidate for public office in a partisan election (this does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs);
- use his/her official authority to influence, to interfere with or affect election results or nominations for office; and
- directly or indirectly coerce contributions from any employee to support a political party or candidate. See The Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Township. Employees are not allowed to make statements on behalf of the Township. Any violation of this policy must be reported to the supervisor, Department Head, Township Manager, or the Township Solicitor, when appropriate.

Employee Evaluation Policy:

For all new employees within their Probationary Period, the Department Head will complete written evaluations and appraisal forms after 30 days, 60 days and 90 days from the date of hire. Such reviews will measure progress and encourage self-improvement within the employee's Probationary Period.

If an employee resigns or is laid off by the Township during their Probationary Period, the employee will not receive a payout of any time accumulated during the employee's Probationary Period.

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any performance deficiencies using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Township Manager. If corrective action is needed the Township Manager will review the form(s). After review by the Township Manager, the form(s) will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Township Manager.

Employee Yearly Review

Separate and apart from the Employee Evaluation Policy, all employees will additionally be interviewed on a yearly basis by the Department Head. Yearly reviews will take place in either January or September at the discretion of the Department Head.

Employee Discipline Policy:

Subject to the New Jersey Civil Service Act (that the Township is currently governed by) and any applicable bargaining unit agreement, an employee may be subject to discipline for any of the following reasons. This is not meant to be an exhaustive list and the Township reserves the right to discipline for reasons not included below.

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 the Township of Mount Laurel, fellow employees, volunteers or visitors.
- Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township of Mount Laurel property at any time.
- Being under the influence of intoxicants (e.g., liquor or marijuana and/or cannabis) or illegal drugs (e.g., cocaine) on Township of Mount Laurel property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Township property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Township of Mount Laurel 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 Township of Mount Laurel or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township of Mount Laurel 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 Township or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Township information.
- Gambling on Township of Mount Laurel premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township of Mount Laurel 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 persons offense.
- Violating any Township of Mount Laurel rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township of Mount Laurel policies, procedures and regulations.
- Violation of Federal, State or Township of Mount Laurel laws, rules, or 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.

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

In cases of employee misconduct, the Township of Mount Laurel 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; Township Manager review; written reprimand; suspension; fines, and dismissal. At the discretion of Township of Mount Laurel, 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 Township of Mount Laurel guidelines, policies or practices create an employment contract. Employment with Township of Mount Laurel may be terminated at any time with or without cause or reason by the employee or Township of Mount Laurel. Mount Laurel Township is currently a civil service community and will follow the applicable regulations of Civil Service and any applicable bargaining unit contracts.

Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Township Manager or designee will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Employment Reference Policy:

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

Employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to the human resources official. Generally, unless otherwise required by law, the Township will only confirm employees' name, title, salary, compensation, dates of service, reason for separation, if applicable, and specific educational or medical qualifications required for employment. The

Township's response to a request for reference information shall be communicated in writing only. The Township does not honor oral requests for employment references.

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

Workforce Reduction Policy:

Pursuant to N.J.A.C. 4A: 8-1.1, the Township of Mount Laurel may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the New Jersey Department of Civil Service.

Driver's License Policy:

Any employee whose work requires that the operation of Township of Mount Laurel vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Township of Mount Laurel 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.

Department Heads or Division Supervisors or the Township CFO will make periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks. Any employee who does not hold a valid driver's license will not be allowed to operate a Township of Mount Laurel vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Township of Mount Laurel vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or in those cases where an employee 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 Township of Mount Laurel vehicle shall be subject to possible termination.

Any information obtained by the Township of Mount Laurel in accordance with this section shall be used by the Township of Mount Laurel 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.)

Protection and Safe Treatment of Minors Policy:

Purpose.

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

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

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

There are typically four common types of abuse:

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

Unfortunately, statistics reflect that abuse is all too common in any form. In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services. 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases. 55% of the perpetrators are female, while males account for 45%. Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

Policy.

The Township of Mount Laurel is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Township of Mount Laurel is firmly committed to protecting children under the care and supervision of the Employer from all forms of physical, mental, sexual, and emotional abuse. The Township of Mount Laurel is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Township of Mount Laurel. The procedures outlined below shall apply to all officials, employees, and volunteers of the Township of Mount Laurel.

Definitions.

Authorized Adult - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.

Child or Minor - A person under the age of eighteen (18).

Department Heads - Appointed department heads of the Township of Mount Laurel, including the chief administrative officer, and any assistants.

Direct Contact - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.

Dual Reporting – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Township of Mount Laurel to report all possible cases of abuse.

Employees, Staff, or Counselors – persons working for the Township of Mount Laurel on a full-time or part-time basis, and compensated by the Township of Mount Laurel.

Facilities - Facilities owned by, under the control of, or rented or leased to the Township of Mount Laurel.

Grooming - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

NJMEL JIF - New Jersey Municipal Excess Liability Fund Joint Insurance fund.

Officials – Elected officials of the Township of Mount Laurel, appointed Board members, and Authority Commissioners.

One-On-One Contact - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.

Programs - Programs and activities offered or sponsored by the Township of Mount Laurel.

Volunteers - Individuals volunteering their time to provide services to the Township of Mount Laurel who are not on the payroll and receive no compensation.

Recruitment and Hiring of Employees and Vetting of Volunteers.

All prospective employees and volunteers shall undergo a thorough and complete background check, including the following:

For part-time summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches, and instructors:

- i. National Database Criminal History Search

- ii. National Sex Offender Search
- iii. Social Security Trace/Validation

For full-time employees in supervisory positions involving minors:

- i. National Database Criminal History Search
- ii. National Sex Offender Search
- iii. Social Security Trace/Validation
- iv. Education Verification
- v. Employment Verification
- vi. Credit Check
- vii. Motor Vehicle Record
- viii. Reference Check

The Township of Mount Laurel may hire minor children to work in their summer or seasonal programs. Because it may be difficult to obtain any background information for these minors, the Township of Mount Laurel may, at its discretion, attempt to verify any past employment for minors between 16 and 18 years of age, with the consent of the parents or guardians.

Written documentation of the background check shall be maintained by the Township of Mount Laurel in perpetuity. Background checks that disclose any negative or questionable results must be reviewed and approved by the Township prior to the individual being hired and/or working with minors. Provisional hiring will not be permitted in such circumstances.

All prospective employees and volunteers must complete the training adopted by the Township **PRIOR TO** starting employment or volunteer service. In addition to completing the training course, volunteer coaches may, at the discretion of the Township, be required to complete the Rutgers SAFETY Clinic course (Sports Awareness for Educating Today's Youth TM), which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.) Documentation verifying that the volunteer coaches watched and understood their responsibilities will be kept to confirm that the training was completed.

The Township shall periodically re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.

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

Procedures and Responsibilities of Officials.

It is critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Township of Mount Laurel.

Officials of the Township are required to:

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

Program Procedures.

All Township programs operated by, sponsored by, or affiliated with the Township shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could potentially interact with minors, shall adhere to the following policy.

As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Township shall:

- Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, the Township shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- Make certain that all program participants provide a Medical Treatment Authorization form annually to the Township.

- Implement and adopt a "Code of Conduct" for volunteer and paid staff members, which, at a minimum, will include the following:
 - Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
 - Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
 - Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
 - Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
 - Staff members will appear neat, clean, and appropriately attired.
 - Staff members will refrain from intimate displays of affection towards others in the presence of children, parents, and staff.
 - Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
 - Staff members are prohibited from buying gifts for program participants.
- Include the following provisions as a part of specific program provisions, in addition to the Code of Conduct:
 - The possession or use of alcohol and other drugs, fireworks, guns, and other weapons is prohibited.
 - The Township shall set forth rules and procedures governing when and under what circumstances participants may leave the Township's property during the program.
 - No violence, including sexual abuse or harassment, will be tolerated.

- Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyberbullying is prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.
- Misuse or damage of the Township's property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited, including the use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Township to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- If possible, the Township shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur, and that appropriate levels of supervision are implemented.
- Take appropriate steps to ensure that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian. This shall include annual written authorization on file in advance.
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with the rules.
- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
 1. One staff member for every six participants ages 4 and 5
 2. One staff member for every eight participants ages 6 to 8
 3. One staff member for every ten participants ages 9 to 14
 4. One staff member for every twelve participants ages 15 to 17
- The Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all of the rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

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

Procedures for Law Enforcement Officers.

Law enforcement officers of the Township frequently interact with minors in a variety of ways. In addition to the guidance provided by the Attorney General's office, it is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee of the Employer shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

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

- a. When transporting minors in a police vehicle, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, whenever possible, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
- b. Directives issued by the N.J. State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. The following provisions from the "Code of Conduct" for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance, including positive reinforcement and encouragement.
 - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - iii. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school, and this includes babysitting, sleepovers, and

inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.

- iv. Officers shall make certain that they are neat, clean, and appropriately attired.
- v. Officers will refrain from intimate displays of affection towards others in the presence of children, parents, and staff. Officers shall not buy gifts for students at any time.
- vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

Training Requirements.

Individual training courses have been designed for each of the following categories, and all officials, employees, and volunteers of the Township are required to complete training (and refresher course training) adopted by the Township. ALL employees shall complete the training course whether they interact with children/minors or not. Training records will be maintained by the Township.

Elected Officials, Appointed Officials, Department Heads, and Supervisors: All elected officials, appointed officials, department heads, and supervisors shall complete the initial virtual training course offered by the NJMEL, “Protecting Children From Abuse” and adopted by the Township, and any updated/refresher course in order to better understand their legal duties and responsibilities under Federal and N.J. State Law.

Volunteers and Employees of the Employer: All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NMEL in the form of the “Protecting Children” video on protecting children on the MEL website.

Law Enforcement Officers: All law enforcement officers shall complete training which covers the current status of N.J. Law and Directives from the Attorney General for Law Enforcement personnel, their responsibilities as officers, their responsibilities as officers in schools, and their duties to report abuse.

Reporting Suspected Child Abuse/Neglect.

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

The following procedures shall be utilized in reporting suspected cases of abuse:

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

The Township shall also train officials, department heads, employees, and volunteers in the concept of "dual reporting," which involves reporting the suspected abuse to local law enforcement in addition to reporting the abuse to the Department of Children and Families. Reporting suspected abuse to local law enforcement is critically important in cases where there is the potential for violence.

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

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

Important Information Regarding Reporting Suspected Abuse Under NJ Law.

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Township encourages all officials,

employees, and volunteers in programs operated by the Township or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- ii. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.
- iii. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions is a disorderly person.
- iv. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.

SECTION TWO

Workplace Policies:

Job Description Policy:

A job description including qualifications shall be maintained for each position pursuant to New Jersey Department of Civil Service guidelines. All job descriptions must be approved by the Township Manager. The Township Manager will make copies available upon request.

Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:00AM to 4:00PM. Administrative personnel may, at the discretion of their supervisor, work a modified schedule of 8:00AM to 3:00PM OR 9:00AM to 4:00PM by working through lunch. Summer hours for the weeks between Memorial Day to Labor Day of 8:00AM to 5:30PM with a 30 minute paid lunch on Mondays, and 7:45AM to 4:15PM with a 30 minute paid lunch Tuesday-Thursday will be implemented at the discretion of the Township Manager. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Township Manager may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Township Manager shall notify Department Heads of a delayed opening and a new opening time. Department Heads will then contact employees regarding whether there is a delayed opening and/or closing. Each Department will have a calling system in place. If the employee chooses not to report to work, he/she must use employee benefit time. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police, Emergency Services, or Management or any personnel who may be required to assist in an emergency. These employees are considered essential personnel and must report to the Township to assist with the emergency if directed to do so by their Department Head or Township Manager.

Breaks Policy:

Administrative personnel are entitled to an hour lunch (unless they waive and Township Manager approves) that is to be arranged by the supervisor so that offices continue to function.

Other employees are entitled to an hour lunch break, which will be scheduled by the supervisor. All employees are entitled to a 15 minute break in the morning and in the afternoon. Administrative personnel must arrange breaks so that offices continue to function. Breaks for other employees will be scheduled by the supervisor.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Employees are permitted to wear jeans with prior approval by the Township Manager. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Township Manager, the Township of Mount Laurel will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

No Smoking Policy:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township of Mount Laurel has adopted a smoke-free policy for all buildings. Township of Mount Laurel facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township of Mount Laurel buildings. Employees are permitted to smoke only outside Township of Mount Laurel buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Township of Mount Laurel and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

Unless an employee receives permission from the Township Manager, Township of Mount Laurel owned vehicles shall be used only on official business and all passengers must be on Township of Mount Laurel business.

Vehicles may be taken home only with the advance approval of the Township Manager except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Township of Mount Laurel vehicle, it is to be used only for official Township of Mount Laurel business; any other use is not permitted. At

no time shall children be in the Township of Mount Laurel vehicle when responding to an emergency.

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

- A. Drivers must ensure that all required documents (driver's license, employee badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
- B. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).
- C. No smoking is allowed in Township Vehicles at any time.
- D. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices while driving vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.
- E. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."
- F. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.
- G. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Any violation of this policy constitutes cause for disciplinary action.

Telephone Usage Policy:

Township of Mount Laurel 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 Township of Mount Laurel. The use of hand-held cell

phones while driving Township of Mount Laurel vehicles or while driving on Township of Mount Laurel business is prohibited.

Communication Media Policy:

The Township's Communication Media are the property of the Township of Mount Laurel and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Township of Mount Laurel, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax.

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

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

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Township of Mount Laurel are required to use the assigned municipal email account for ALL Township of Mount Laurel business and correspondence. The use of private email accounts for ANY Township of Mount Laurel business or during business hours is strictly prohibited.

Employees can only use the Township's Communication Media for legitimate business purposes. Employees may not use the Township's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township of Mount Laurel rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion,

sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

All employees may access only data for which the Township of Mount Laurel has given permission. All employees must take appropriate actions to ensure that Township of Mount Laurel data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized.

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

Employees may not install or modify any hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township of Mount Laurel. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township of Mount Laurel, or licensed to the Township of Mount Laurel. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Social Media and its uses in government and daily life are expanding each year however information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those Employees directly authorized by the Township Manager may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No Township employee shall post internal working documents and/or Township business information to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Township Manager. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Manager.

With respect to social media, employees may not knowingly represent themselves as a spokesperson of the Township of Mount Laurel, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Township of Mount Laurel expresses views that are detrimental to the Township of Mount Laurel's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Township employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

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

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

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

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

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

Video Surveillance Policy:

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

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

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

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

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

Bulletin Board Policy:

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

Employee Dating Policy:

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

To try to achieve a balance between employee rights and workplace needs, the Township has adopted the following policy on the subject of Township employees dating. If such a dating relationship exists or develops between Township employees, both parties involved shall report the fact to their immediate supervisor and the Township Manager.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.

Management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

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

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

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

SECTION THREE

Paid and Unpaid Time Off Policies:

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Paid Holiday Policy:

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- Floating holiday

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

Vacation Leave Policy:

Vacation is an accrued benefit based on the appropriate collective bargaining agreement or the below for non-represented staff or agreements that are silent:

- One day for each full month of service during the first calendar year. Vacation accrues when the employee starts, however days cannot be used without approval from the Township Manager until after the end of the probationary period;
- Twelve days for the second through 7 years;

- Seventeen days after the completion of 8 years through 16 years; and
- Twenty days after the completion of 17 years through 20 years.
- Twenty-Three days after the completion of 21 plus years.

Employees must receive their supervisor's approval at least 48 hours in advance of the first vacation day. Vacation time is used in day increments with a minimum unit in one half-day time increments. Employees who do not use all of their vacation allowance may add up to ten (10) days of their unused days to their allowance for the following year. However, if these days are not used in the second year, they will be forfeited.

At the time of separation from employment with the Township, vacation days will be prorated based upon the employee's accrual at the time of separation unless they leave prior to the end of their probationary period, in which case there will be no payout.

Personal Leave Policy:

Personal leave is a benefit based on the appropriate collective bargaining agreement or the below for non-represented staff or agreements that are silent:

Each employee is entitled to two personal days with pay after one year of service and three personal days with pay after two years of service. After five years of service, each employee is entitled to four personal days with pay. After ten years of service, each employee is entitled to five personal days with pay.

The above personal days includes the one floating Holiday.

Personal days may be used in the case of an emergency with less than 24 hours notification. "Emergency" is defined as an event which could not be anticipated and over which an employee has no control.

Personal days may not accrue and are not carried over to the subsequent year. If not used, personal days are lost.

Personal days will not be paid at the time of separation from employment with the Township.

Sick Leave Policy:

Except for an employee's first year of service with the Township, all employees are entitled to 15 working days of sick leave per calendar year. An employee's sick leave is pro-rated during their first year of service with the Township. Sick leave shall accrue, but cannot be used until expiration of the employee's probationary period without approval from the Township Manager. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. Employees must make all efforts to notify their supervisor of usage of a sick leave day/sick leave at least one (1) hour prior to the

start of the scheduled work day. Employees absent on sick leave for three or more consecutive working days, or where there is suspected abuse of sick leave, must submit a doctor's verification of illness or injury at the Township's request. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Township of Mount Laurel may require an employee to be examined by a physician designated by the Township of Mount Laurel to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year.

For employees hired prior to May 21, 2010, the employee may be paid supplemental compensation for accumulated unused sick leave at the time of resignation or retirement from employment.

For those employees who were hired on or after May 21, 2010, supplemental compensation for accumulated sick leave shall only be payable at the time of retirement in an amount not to exceed \$15,000.

Employees who began service with the Township after May 21, 2010, are not eligible to buy back sick days. Employees hired prior to that date shall have the option to sell back to the Township up to five (5) unused sick days per year valued at their current daily rate and/or equal to 100% subject to the following:

1. The employee must have at least fifteen (15) sick days remaining available for use as of December 31st after the days sold back are subtracted.
2. The sell back request must be submitted in writing to the Employer between November 1st and December 1st.
3. Only unused sick days from the current year's allotment are eligible to be sold back.
4. The Township shall make payment for sick days sold back no later than the third pay in January.

Bereavement Leave Policy:

Employees are entitled to 5 days leave of absence or as per appropriate collective bargaining agreement, for each death of an employee's immediate relative. Bereavement Leave shall not extend beyond 5 days immediately following the death of a family member. "Immediate relative" includes spouse or significant other, civil union partner, child, parent, parent-in-law, stepchild, sibling, grandparents, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. The Township of Mount Laurel may require that the employee

produce reasonable proof of death and relationship. Employees are paid for all working days during the Bereavement Leave.

Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid full salary upon receipt of information and any payment for jury duty service.

Leave of Absence Policy:

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Township Manager 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 Township Manager may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Township of Mount Laurel.

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

Family and Medical Leave Act Policy:

FMLA/FLA

It is the policy of Mount Laurel Township, as a covered employer, to comply with the federal Family and Medical Leave Act ("FMLA") and the Family Leave Act of New Jersey ("FLA").

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

Employees should contact their Department Head, who will seek advisement from the Township Manager's office for assistance and information on specific situations.

Please note that special rules apply to key employees. Please see the Township Manager for details.

In foreseeable circumstances, upon 30 days written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. When leave is unforeseen, eligible employees are required to provide written notice of the need to take leave as soon as practicable. 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.

For Federal leave only, if both spouses work for the Township, they may only take a total of twelve (12) weeks between them during the twelve (12) month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition. Each spouse may be entitled to additional leave, however, for other qualifying reasons, such as the employee's own illness or for the serious illness of the employee's child.

The period of leave must be supported by a physician's certification which details the need for leave for the serious health condition of the employee or the employee's immediate family member. The Township Medical Certification Form is to be used for this purpose and shall be returned no later than 15 calendar days after being informed of the need to provide the certification. No other less comprehensive form or note will be accepted, and the failure to provide the certification in a timely manner may result in delay of the leave until the certification is received. The Township may, at its own expense, require an employee to obtain a second medical certification from a health care provider, and may choose such provider with certain restrictions. If the opinions of the employee's and the Township's health care providers differ, the Township may require the employee to obtain a certification from a third health care provider at the Township's expense. This third opinion, by a health care provider jointly approved by the employee and the Township shall be final and binding.

Determination of Leave Eligibility. The determination of whether an employee is entitled to FMLA/FLA leave and the amount of the FMLA/FLA leave entitlement is to be made by the Township Manager's Office. Each department is responsible for notifying the Township Manager's Office of the following:

- a. Any employee requests for FMLA/FLA leave
- b. Employee requests to use sick or other leave for reasons that qualify for six consecutive workdays
 5. Employee must submit FMLA paperwork to payroll after 6 consecutive work days
- c. The name of any employee who has been out sick for six consecutive workdays

- d. The name of any employee who has no paid leave time available but needs to be absent from work due to a qualifying FMLA/FLA reason.

Notification of Leave Designation. The Township Manager's Office shall review all requests for time off which may qualify as FMLA/FLA leave and notify the requesting employee of the designation in accordance with the regulations through the use of the Township notification form. If the Township is unable to immediately obtain sufficient information to confirm eligibility as FMLA/FLA leave, the leave may be provisionally designated as FMLA/FLA leave pending confirmation. If further investigation fails to confirm a qualifying reason, the FMLA/FLA designation may be withdrawn on written notice to the employee.

Once the leave is designated as qualified FMLA/FLA leave, the leave will run concurrent with absences including, but not limited to Workers' Compensation, State Disability, a Medical Leave, a Personal Leave, the Disability Pool Program, Vacation, Administrative Leave and Sick Leave, as applicable. The Township Manager will inform the employee that the paid leave has been designated as FMLA leave within two work days of the time the employee gives notice of the need for leave and before the employee commences the leave, unless the Township Manager does not have sufficient information within that time to make a determination, in accordance with N.J.A.C. 4A:6-1.21B.

An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Township of Mount Laurel reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Township Manager.

Employees taking family leave in connection with a family member's serious health condition or for the care of a newborn, adopted child, or recently placed foster child may take leave intermittently or consecutively. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Township of Mount Laurel with 30 days' notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Township of Mount Laurel with a regular schedule of days for intermittent leave.

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 does not earn service credits for pension benefits while on an unpaid leave of absence. Pension credit accrues as usual for paid leaves. For unpaid leaves, pension credit will not accrue. However, employees may have the opportunity to purchase the time, up to two years, by contacting Pensions within one (1) year of returning to active employment. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Please note that for unpaid leaves, pension life insurance benefits will continue for a period of up to two years.

Outside Employment. Both the FMLA and the FFLA have regulations and restrictions concerning outside employment during qualifying leave. An employee should contact the Township Manager's Office for information on the ability to work another job while on FMLA/FLA leave.

Please be advised that employees who use leave beyond their FMLA/FLA entitlement are not covered by the FMLA/FLA protections, such as reinstatement, continuation of medical coverage, etc., once their FMLA/FLA leave entitlement is exhausted.

Certification of Fitness to Return to Work. The Township will require a certification of fitness to return to work under the same conditions as set forth in the sick leave policy. Failure to provide a return to work certification may result in delay of restoration to employment until the certification is submitted.

Return to Work. The Township requires an employee to report periodically on the employee's status and intention to return to work. The employee may return to work earlier than originally anticipated provided the employee gives the Township two business days' notice and a new medical note.

If the employee does not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence or onset of a serious health condition which would entitle the employee to FMLA leave; or 2) other circumstances beyond the employee's control, the employee may be required to reimburse the Township for the Township's share of health insurance premiums paid on your behalf during your FMLA leave.

Family Temporary Disability

Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to twelve (12) 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, recently adopted child, or a child recently placed into foster care with the employee. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks, this includes those on paternity leave.

Family Military Leave

Employees may also be eligible for an unpaid leave for up to twenty-six (26) work weeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee

takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. For federal leave, if both spouses work for the Township, they may only take a combined twenty-six (26) weeks in a single twelve (12) month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reason

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

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

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

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

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;

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

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

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

The Township shall not take any adverse action against an employee who exercises his or her rights under the FMLA or FMLA.

Domestic Violence Policy:

Purpose

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

Persons Covered by the Policy

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

Designated Human Resources Officer ("HRO")

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

Primary HRO: Chris Ridings, Director of Municipal Services, 856-234-0001 ext. 1228

Secondary HRO: Meredith Tomczyk, Township Manager, 856-234-0001 ext. 1233

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

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

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

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

Domestic Violence Reporting Procedures

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their

agency's EEO Officer or Title IX Officer, Ashlee Earley, 856-234-0001 ext. 1225.

- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- G. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

Confidentiality Policy

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

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

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

Confidentiality of Employee Records

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

Domestic Violence Leave

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides employment protection for employees and their family members who have been the victim of domestic violence or sexual violence. As used in this policy, "family members" include an employee's child, parent, spouse, domestic partner, or civil union partner. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

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

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

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

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

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

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

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

The Township of Mount Laurel Action Plan

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

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

The Payroll Supervisor will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Township Manager will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

The Township Manager will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

Military Leave Policy:

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 calendar days after the paid leave is exhausted. Upon entering no-pay status, employees will pay their portion of health benefits, prescription costs, dental, and vision (if taken by employee). 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.

Catastrophic Illness – Donation of Time Policy:

The Township of Mount Laurel will permit employees to voluntarily donate accrued benefit time, including sick and/or vacation days, to a fellow employee who has exhausted their own earned leave as a result of a catastrophic health condition or injury suffered by themselves or

an immediate family member which is expected to require a prolonged absence from work. The Donation of Time Program will be administered in such a manner as to ensure the goals of the program are met without interfering with any employee's rights to privacy as otherwise protected by Federal or State law, rules or regulations.

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

1. Has completed at least one year of continuous service with the Township;
2. Has exhausted all accrued sick, vacation, personal or administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
3. Has not, in the two year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. Either:
 - a. Suffers from a catastrophic health condition or injury;
 - b. Is needed to provide care to a member of the employee's immediate family or who is suffering from a catastrophic condition or injury; or
 - c. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of blood marrow).

Definitions. "Catastrophic health condition or injury" shall mean:

- With respect to an employee, either:
 - a. A life-threatening condition or combination of conditions; or
 - b. A period of disability required by his or her mental or physical health of the employee or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.
- With respect to an employee's immediate family member, either:
 - a. A life-threatening condition or combination of conditions; or
 - b. A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.

Procedure. A Township employee may request that the appointing authority approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.

When the appointing authority has approved an employee as a leave recipient, the appointing authority shall, with the employee's consent, post or circulate the employee's name along with

those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all negotiations representatives in that appointing authority. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

Participation Requirements. A leave recipient must receive at least 5 sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 10 such days to any one recipient.

A leave recipient shall receive no more than 180 sick days or vacation days, and shall not receive any such days on a retroactive basis. A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave and at least 12 days of accrued vacation leave if donating vacation leave. A leave donor shall not revoke the leave donation. If a leave donor is not in the same department or autonomous agency as the leave recipient, appropriate arrangements shall be made between the affected appointing authorities to verify donor eligibility and adjust leave records. However, the positing requirement set forth in (C)2 above is limited to the recipient's appointing authority.

While using donated leave time the recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work. Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proportion of leave days results in less than one day per donor to be returned, that leave time shall not be returned. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days, which he or she had received through the leave donation program.

An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with the rights involving donating, receiving, or using donated leave time. Such prohibited acts shall include, but are not limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

SECTION FOUR

Compensation & Employee Benefits Policies:

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid bi-weekly. All employees will receive their pay through direct deposit.

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

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Township Manager shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Township Manager's prior approval and at the sole discretion of the Township Manager.

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

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of thirty-five (35) hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater

than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours. If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of 1.5 hour(s) for each hour worked less the number of hours of overtime compensation received under any other provision of the policy. If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation of the greater of (1) 1.5 hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.

Employees must make a request to their supervisor at least two days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

Health Insurance Policy:

Employees and their immediate family members, including civil union partner, are provided health insurance coverage administered by the State Health Benefits Plan. The Township of Mount Laurel reserves the right to change provider networks, claims agents, and insurance mechanisms (fully insured versus health insurance fund, e.g.). The complete benefit plan is on file in the Township Manager's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Township of Mount Laurel. All employees must make their necessary contributions in accordance with Chapter 78.

Health insurance coverage for employees on a Leave of Absence or who cease Township of Mount Laurel employment will terminate at the end of the month in which the leave begins or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Public Health Services Act provision for a period of up to eighteen months to thirty-six months. All newly hired employees and their spouses shall receive a notice of Cobra rights upon being hired. For more information, consult the Payroll Supervisor.

Eligible employees may choose, in writing, to "waive insurance coverage." Participation is voluntary and is intended for those eligible members who are covered by health insurance through another source. Members who hold elective office and are receiving health insurance benefits as a result of their elected office and members who are receiving health insurance as a result of their retirement or the retirement of their spouse or domestic/civil union partner from another public entity in New Jersey are not eligible for opt out. Waiver as described in this section shall be subject to the rules of the New Jersey State Health Benefit Plan where applicable. If two members are married or qualify as domestic partners/civil union partners and one of them receives health insurance coverage from the Employer or any other New Jersey State Health Benefits Plan, the other may not participate. The employees shall receive an incentive which shall not exceed twenty-five percent of the amount saved by the Employer because of the waiver or \$5,000 annually, whichever is less, in accordance with state law.

Eligible employees who waive coverage must do so for a minimum of one (1) year at a time unless there is a change of life event. However, if an eligible member chooses to participate and then the spouse's/partner's benefits are terminated (not voluntarily dropped), the employee and his/her dependents may enroll in any of the available plans upon proper verification of termination. Applications must be made within thirty (30) days after the loss of coverage. The incentive payments provided shall be paid in equal monthly payments and appropriate deductions shall be made from the gross incentive amount. The waiver of coverage shall be available to all new benefit eligible employees on their benefit effective date. The incentive shall begin to be paid to the eligible employee no later than one month after the effective date of the option.

Dental, Prescription and Vision Benefits Policy:

Employees and their immediate family members, including civil union partners, are provided dental, prescription drug, and vision benefits as provided by the Township, at its discretion. The Township of Mount Laurel reserves the right to change provider networks, claims agents and insurance mechanisms (fully insured versus health insurance fund, e.g.).

Dental plans are available to full-time employees and their immediate family members, including civil union partner, with a fifty (50) percent contribution from the employee through weekly payroll deductions. New eligible employees may enroll by completing the dental portion of the NJ Dental Benefits Application during the first sixty (60) days of employment. If you do not enroll when first eligible, you have the option to enroll during an annual SHBP/SEHBP Open Enrollment Period. Open Enrollment is normally held in the fall, with coverage effective the following January. If you do not enroll because of other dental coverage and you lose that coverage, you can be enrolled within sixty (60) days of the loss of coverage.

Once enrolled, you and your eligible dependents must remain in the dental plan you elect for a minimum of twelve (12) months before you can switch plans or drop coverage. In the event that you wish to switch plans, you will not be permitted to do so until the next open enrollment period following the twelve (12) month period. In addition, no employee or dependent can be covered under more than one dental plan.

All employees who elect health insurance will automatically be enrolled in the prescription plan and must maintain the same level of coverage per state requirement. The employee prescription drug plan is administered through SHBP by Medco Health Solutions, Inc., the pharmacy benefit manager for all eligible members. This plan is available to full-time employees and their immediate family members, including civil union partners, with a fifty (50) percent contribution from the employee through weekly payroll deductions. Co-payments for employees are determined annually for retail pharmacy and mail orders as well as brand name prescription and generic drugs.

Vision plans are available to full-time employees and their immediate family members, including civil union partner, with a fifty (50) percent contribution from the employee through weekly payroll deductions. New eligible employees may enroll by filling out an application during the first sixty (60) days of employment. If you do not enroll when first eligible, you have the option

to enroll during an annual Open Enrollment Period. Open Enrollment is normally held in the fall, with coverage effective the following January. If you do not enroll because of other vision coverage and you lose that coverage, you can be enrolled within sixty (60) days of the loss of coverage.

Recreational Benefit Policy:

This may be available to an employee as an option with some healthcare coverage plans.

Deferred Compensation Policy:

Two plans are currently available to full-time employees. Service representatives from Nationwide Retirement Solutions and Great West are made available to employees semi-annually for enrollment. Notification will be sent out to make an appointment with the representative prior to a scheduled on site visit.

Retirement Policy:

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

Workers Compensation Policy:

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. The Township of Mount Laurel covers workers compensation benefits. 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 and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Township of Mount Laurel will only pay, either directly or through its Workers' Compensation insurer, those benefits that are

specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

Educational Assistance and Training Policy:

Subject to sufficient funds in the budget and upon approval of the Department Head and the Township Manager, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Township Manager will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees are required to obtain this determination before enrolling in a course or program. The Township Manager must approve all classes submitted for reimbursement prior to attendance.

Employees may receive reimbursement of the tuition cost for training or college courses that they take on their own initiative. The reimbursement must be repaid if the employee leaves Township employment within twenty-four months of receipt. When enrollment for short training courses or seminars is approved by the Township Manager is requested by the Township, employees will receive full reimbursement.

Conference and Seminar Policy:

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

Travel Reimbursement Policy:

Employees attending approved seminars, conferences, classes or other work related events might be entitled to a mileage reimbursement. The Township's policy is to assign a Township vehicle if available. If a Township vehicle is assigned to the employee than no travel reimbursement will be granted. If mileage reimbursement is granted, the employee will be reimbursed based on the IRS mileage reimbursement rate. Miles will be calculated either from the Township building or the employee's home, whichever is less. Miles will be determined by the CFO based on the average of three non-partial map applications such as Google Maps, MSN Maps, or other. It is the responsibility of the employee and his or her department head to select seminars, conferences, classes or other work related events that are the most efficient in cost to the Township. Mileage reimbursement must be approved prior to the employee attending any seminar, conference, class, or other work related event.

**TOWNSHIP OF MOUNT LAUREL
EMPLOYEE COMPLAINT FORM**

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ **DEPARTMENT:** _____

TITLE: _____ **SUPERVISOR:** _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you previously complained about this or related acts to a Supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

BY: _____ DATE: _____

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: _____ DATE: _____

Receipt for Employee Handbook

I acknowledge that I have received a copy of Township of Mount Laurel's Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head, Township Manager or the Personnel Official. I understand that Township of Mount Laurel is an "at will" employer and consistent with applicable Federal and State law, including the New Jersey Civil Service Act, as well as applicable bargaining unit agreements, employment with the Township of Mount Laurel is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Township of Mount Laurel has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states Township of Mount Laurel's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with Township of Mount Laurel for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Township Manager.

Date: _____

Signature: _____

Print Name: _____

Department: _____

TOWNSHIP OF MOUNT LAUREL

ORDINANCE #2021-22

AN ORDINANCE PERMITTING VETERANS DISCOUNT FOR RECREATION PROGRAMS

WHEREAS, Chapter 107 of the Township of Mount Laurel Code entitled Parks and Recreation establishes fees for activities for a variety of activities including classes offered at, by and through the Community Center; and

WHEREAS, the Township Council recognizes that Mount Laurel has many veterans who have proudly served our nation at home and abroad and protected our freedom and promoted freedom throughout the world; and

WHEREAS, the Council determines that in an effort to show support to veterans, the Township can offer reduced rates for classes and activities offered through the Community Center;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Mount Laurel, County of Burlington and State of New Jersey, that Chapter 107-6.2 of the Code of the Township of Mount Laurel be and is hereby created to read as follows:

§ 107-6.2 Veterans discount

United States veterans shall be granted a five dollar (\$5.00) discount on the rates listed in Section 107-6.1 for all classes and activities held at, by and through the Community Center. Veterans shall not be required to produce paperwork for such discount unless, in the determination of the program administrator, credible evidence exists that the individual has not served in the American Armed Services.

Section Two. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

Introduction Date: December 6, 2021

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen	✓					
Janjua	✓					
Moustakas					✓	
Pritchett	✓					
Steglik	✓					

Publication Date: December 10, 2021

Public Hearing Date: December 20, 2021

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						

TOWNSHIP OF MOUNT LAUREL

BY: _____
Stephen Steglik, Mayor

ATTEST:

Meredith Tomczyk, Township Clerk

4854-8925-5169, v. 1



**TOWNSHIP COUNCIL
MOUNT LAUREL MUNICIPAL CENTER**

Distribution _____

Resolution No. 21-R-231

REGULAR MEETING

DECEMBER 20, 2021

**RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP OF
MOUNT LAUREL TO DISCUSS PENDING OR ANTICIPATED LITIGATION,
CONTRACT NEGOTIATIONS AND/OR PERSONNEL MATTERS**

WHEREAS, the Township Council of the Township of Mount Laurel is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et. seq.; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Council of the Township of Mount Laurel to discuss certain matters in a meeting not open to the public consistent with N.J.S.A 10:4-12b.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Laurel, Burlington County, pursuant to the Open Public Meetings Act of the State of New Jersey that:

1. The Township Council of the Township of Mount Laurel shall hold a closed meeting, from which the public shall be excluded, on December 20, 2021;
2. The general nature of the subjects to be discussed at said closed meeting shall be Interviews for Various Township Boards and Judge.
3. The minutes of said closed meeting shall be made available of disclosure to the public, consistent with N.J.S.A. 10:4-13, when the items which are subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

This resolution was adopted at a meeting of the Township Council held on December 20, 2021 and shall take effect immediately.

A CERTIFIED COPY

Meredith Tomczyk, Municipal Clerk

	MOTION	AYE	NAY	ABSTAINED	ABSENT	TRANSMITTED
Cohen						
Janjua						
Moustakas						
Pritchett						
Steglik						