

**Explanation:** This resolution amends Section 2A-10.1 FMLA Policy; Section 2A-12.3 Use of Township-Owned Vehicles; Section 2A-12.7 Use of Telephones and Cell Phones; Section 2A-12.9 General E-Mail, Voice Mail & Internet Usage; 2A-12.12 Light Duty and adds Section 2A-8.4d Attendance Records, Section 2A-10.1a Domestic Violence Leave Policy and Section 2A-12.9a Video Surveillance of the Personnel Policy of the Township of Bedminster as required for the 2014-2015 Employment Practices Risk Control Program from the MEL.

## **BEDMINSTER TOWNSHIP**

### **Resolution No. 2014-066**

**WHEREAS**, the Township Committee has determined that there is a need to have personnel policies to govern the terms and conditions of employment for employees; and

**WHEREAS**, the Township Committee has determined there also exists a need to establish rules and regulations which shall govern the conduct of employees, officials, volunteers and contract employees of the Township; and

**WHEREAS**, the Township Committee has previously adopted the Township personnel policies by ordinance, which has been repealed, and has deemed it more practicable and appropriate for the ease of governance to adopt the personnel policies by resolution; and

**WHEREAS**, the MEL Safety and Education Committee has developed a Model Personnel Policies and Procedures Manual whose practices are required for member local units to qualify for the MEL's deductible and premium rate incentives under the Employment Practices Liability (EPL) coverage; and

**WHEREAS**, in order to comply with the MEL's Employment Practices Liability (EPL) coverage incentive, it is necessary for Bedminster Township to make the following amendments to the Personnel Policy of Bedminster Township: (New terms in **bold and underlined**, deleted terms in ~~strikethrough~~. All other terms remain as in the presently existing resolution.)

#### **Section 2A-8.4 Attendance Records**

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

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

#### **Section 2A-10.1 Family and Medical Leave Act Policy.**

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with Bedminster; 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 taking paid family leave in connection with a family member's serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in ~~one day~~ increments.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) ~~weeks in a year to care for a family member on active duty in the military~~ **workweeks in a year to care for a**

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

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

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

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

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

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

**Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate**

basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

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

#### **Section 2A-10.1a Domestic Violence Leave:**

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

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

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

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

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

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, Bedminster 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.

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

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

**2A-12.3 Use of Township-Owned Vehicles.** Township Owned Vehicles may be used by Township employees for official business only.

Unless an employee receives permission from the Township Administrator, Township owned vehicles shall be used only on official business and all passengers must be on Bedminster Township business.

Vehicles may be taken home only with the advance approval of the Township Administrator except the Mayor or Township Administrator may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Bedminster

Township vehicle, it is to be used only for official Bedminster Township business; any other use is not permitted. **At no time shall children be in a Bedminster Township vehicle when responding to an emergency.** Any violation of this policy constitutes cause for disciplinary action.

#### **2A-12.7 Use of Telephones and Cell Phones.**

**d. The use of hand-held cell phones while driving Bedminster Township vehicles or while driving on Bedminster Township business is prohibited.**

#### **2A-12.9 ~~General E-mail, Voice Mail and Internet Usage~~ Communication Media Policy**

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

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

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

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

**Employees can only use the Bedminster Township's Communication Media for legitimate business purposes. Employees may not use Bedminster Township's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Bedminster Township rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.**

**All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Bedminster Township. Certain data, or applications that process data, may require additional security measures as determined by Bedminster Township. Employees**

must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

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

Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Bedminster Township 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 Bedminster Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of Bedminster Township, or licensed to Bedminster Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

Bedminster Township encourages employees to share information with co-workers and with those outside Bedminster Township for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by Bedminster Township. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Employees may engage in social media activity during work time through the use of Bedminster Township's Communication Media, provided that it is directly related to their work and it is in compliance with this policy.

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

Employees are prohibited from releasing or disclosing taking any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog taken with Bedminster Township's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator. Except in "emergency situations," employees are prohibited from taking digital device, audio recorder or cellular telephone. This section also applies in off-duty scenarios regarding any law enforcement related activities. Any images or photographs, with media equipment not owned by Bedminster Township. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to Bedminster Township's Communication Media. If such situation occurs, employee agrees that any images belong to Bedminster Township and agree to release the image to Bedminster Township and ensure its permanent deletion from media device upon direction from Bedminster Township.

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

~~Employees may not use the e-mail voicemail, Internet computer network systems, or Township Issued Cell Phone or any other township issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protection by federal, state or local law, ordinance or regulation.~~

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

**No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about Bedminster Township or on behalf of Bedminster Township whether through the use of Bedminster Township's Communication Media or otherwise, may be issued unless it has first been approved by the Township Administrator. 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 Bedminster Township.**

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

**All users are personally accountable for messages that they originate or forward using Bedminster Township's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.**

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

**To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Bedminster Township employees, or if they discuss matters related to the Township on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Township, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to Bedminster Township or Bedminster Township's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Bedminster Township policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.**

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

#### **Section 2A-12.9a Video Surveillance**

**Bedminster Township may install video surveillance camera systems within public buildings and throughout public areas within Bedminster Township primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets.**

**In implementing these video camera systems, Bedminster Township will ensure compliance with federal, state and local laws governing such usage.**

**Bedminster Township's video surveillance camera systems are a significant tool to which the employees of Bedminster Township will avail themselves in order to complete the goals and objectives of Bedminster Township. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. Bedminster 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.**

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

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

#### 2A-12.12 **Temporary** Light Duty.

When an employee is physically limited due to illness, injury, or pregnancy and is temporarily restricted by his or her physician from performing all of the required job duties of the position, the Township of Bedminster may provide this employee with limited term duty assignments. The employee's licensed physician shall submit certification of the need for such limited duty and state what tasks may and may not be performed. Should the need for limited duty continue, renewed certification must be submitted every four (4) weeks up to a maximum period of six (6) months.

The availability of a limited duty assignment is determined by the Township Administrator, the Chief of Police for sworn officers, or their designees. These duties will be assigned for a defined period of time, as medically prescribed, and cannot be a permanent assignment. **It is the Policy of the Township to return employees to work when they are physically able to perform certain work functions when temporarily unable to fulfill the essential functions of their regular full-time position because of injury or illness incurred while on the job.**

**Temporary light duty carries with it the implication that the affected employee cannot physically fulfill the essential functions of the position of their regular full time position. Light duty is that type of assignment that would preclude an employee from aggravating the existing injury or illness. This duty status forbids an employee from working in any capacity other than light duty. Light duty is available only to employees who have a temporary disability because of an on the job injury or illness as determined by a Township Physician. A temporary disability is one that will not last beyond 90 days, although the Township may extend this time period for no longer than 6 months.**

**The purpose of this policy is to establish the authority for temporary light duty assignments and the procedures for granting temporary light duty to eligible employees within the Township.**

- a. **Explanation - Temporary light duty assignments, when available, are for eligible employees in this Township who, because of injury or illness incurred on the job are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Therefore, it is the policy of this Township that eligible employees, who are unable to perform the essential**

functions of their position, shall be given, when available and consistent with this policy, temporary light duty assignments. The Administrator, in conjunction with the Department Head, shall be responsible for assigning light duty.

- b. Eligible Personnel - For the purpose of this policy, any employee of this Township, who is suffering from a medically-certified illness or injury incurred on the job requiring treatment of a licensed health care provider and who, because of an injury or illness, is temporarily unable to perform his/her regular assignment, but is capable of performing alternate assignments, shall be deemed an eligible employee so long as the disabling condition will not last beyond 90 days, although the Township may extend this time period for no longer than 6 months.
- c. Assignments - Temporary light duty assignments may be drawn from a range of technical and administration areas within the Township that include, but are not limited to, the following:
1. Administration functions
  2. Clerical functions
  3. Modified job tasks

Decisions on temporary light duty assignments shall be made based first upon the availability of a light duty assignment and work on a first come, first served basis. Second, the availability of an appropriate light duty assignment will be based on the employee's ability to perform the light duty assignment, considering the knowledge and skills of the employee and the physical limitations imposed on the employee.

- d. Outside Employment - Employees on temporary light duty are prohibited from engaging in off-duty employment if the off-duty employment is of a similar physical or mental nature of their duties in this department and which they are restricted from performing. Permission to work off-duty employment must be received from the Administrator by employees on light duty. Any violation of this requirement will subject the employee to discipline.

Light duty may be utilized in cases where the employee is injured on duty and cannot perform all of the essential functions of their position. Clearance from the Township's physician is required before an employee is considered for light duty assignments.

After being diagnosed and treated by the Township's physician the employee may be placed on light duty after consultation with the Department Head and the Township Administrator. The Township Physician must identify the type of work the employee should be restricted from and give guidance to the Department Head and Administrator as to permissible forms of light duty.

The Township Physician shall monthly reevaluate employees throughout their time on light duty.

The Township's Physician may consult with workmen's compensation carrier and the Department Head and Administrator throughout the process. However, only the Department Head and Administrator maintain the authority to place an employee on light duty status.

Upon return to work in the light duty status, the employee may be placed in various positions within his/her Department. The Department Head, in conjunction with the Administrator, will make that determination, on a case by case basis, based on the needs of

**the Department, the abilities of the employee, and the availability of work, as well as the availability of proper supervision to oversee the placement.**

**Light duty is not guaranteed. The fact that an employee is released to perform light duty does not automatically guarantee such assignment. Work will be assigned when available and in accordance with the employee's restrictions, as well as the employee's abilities.**

**If, upon reevaluation by the Township Physician the employee is determined to be able to perform the essential functions of their regular assignment, that employee's status will be changed back to full duty.**

**Light duty, when available, cannot be refused. If the determination is made by the Township Physician that an employee, injured on duty, may perform in a light duty status and that employee refuses to return to work, the following will occur:**

- a. Workers' Compensation status will be suspended, and all Workers' Compensation pay shall cease;**
- b. The employee will be placed in an unpaid status while out of work;**
- c. The employee may be required to pay the cost of continued Township-provided health insurance coverage; and**
- d. The employee will be subject to discipline, up to and including removal from employment for the refusal to report to work.**

**Duty hours for employees placed on light duty are at the discretion of the Department Head, who, in conjunction with the Administrator, will make that determination on a case by case basis, based on the needs of the Department, the abilities of the employee, and the availability of work, as well as the availability of proper supervision to oversee the light duty placement.**

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bedminster that the amended sections of the Personnel Policy of the Township of Bedminster be promulgated to all employees and implemented effective immediately.

ATTEST:

BEDMINSTER TOWNSHIP  
COMMITTEE:

By: \_\_\_\_\_  
Judith Sullivan, RMC  
Township Clerk

By: \_\_\_\_\_  
Steven E. Parker, Mayor

**CERTIFICATION**

I, Judith Sullivan, Township Clerk of Bedminster, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a Regular Meeting held on

\_\_\_\_\_  
Judith Sullivan, Township Clerk

Introduced	Seconded	Township Committee	Aye	Nay	Abstain	Absent
		Steven E. Parker, Mayor				
		Bernie Pane				
		Carolyn Freeman				
		Lawrence F. Jacobs				
		Staci Santucci				