

Explanation: This resolution amends Section 2A-2 Anti-Discrimination Policy; Section 2A-3.2 Americans with Disabilities; Section 2A-11.2 Cash Benefit in Lieu of Premiums; Section 2A-12.9 Communication Media Policy and adds Section 2A-12.15 Employee Relationship Policy of the Personnel Policy of the Township of Bedminster as required for the 2016-2017 Employment Practices Risk Control Program from the MEL.

BEDMINSTER TOWNSHIP
Resolution No. 2016-108

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WHEREAS, the Township Committee has previously adopted the Township personnel policies by ordinance, which has been repealed, and has deemed it more practicable and appropriate for the ease of governance to adopt the personnel policies by resolution; and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 ~~strike through~~. All other terms remain as in the presently existing resolution.)

2A-2 ANTI-DISCRIMINATION POLICY

Bedminster Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (~~LAD~~) **as amended by the New Jersey Pregnant Worker's Fairness Act (LAD)**. Under no circumstances shall Bedminster Township 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 believes he or she has been treated unfairly, he or she has the right to address the concern with his or her immediate supervisor, or if preferred, the Department Head, or Township Administrator.

2A-3.2 Americans with Disabilities Policy/New Jersey Pregnant Worker's Fairness Act. 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)**, Bedminster Township does not discriminate based on disability, **pregnancy, pregnancy related medical condition or childbirth**. Bedminster Township will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of Bedminster Township to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and (LAD). The Township will not discriminate against any qualified employee or job applicant with respect to any terms,

conditions, or privileges of employment on the basis of a known disability, **pregnancy, childbirth or pregnancy related medical condition**. **We** will make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities **or 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 Bedminster Township.

The Township Administrator shall engage in an interactive dialogue with disabled employees and prospective employees who are **disabled/pregnant** or their respective physician to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require Bedminster Township 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 Bedminster Township facilities. Any questions concerning proper assistance should be directed to the Administrator.

2A-11.2 Cash Benefit in Lieu of Premiums Beginning January 1, 2017, non-union **employees with proven alternative health insurance coverage may waive Township-provided health insurance and receive a payment in lieu of health coverage per the following schedule annually in November:**

<u>Single Coverage:</u>	<u>\$1,475.00</u>	<u>Health Waiver</u>
	<u>\$ 100.00</u>	<u>Dental Waiver</u>
<u>Parent/Child Coverage:</u>	<u>\$2,050.00</u>	<u>Health Waiver</u>
	<u>\$ 200.00</u>	<u>Dental Waiver</u>
<u>Married Coverage:</u>	<u>\$3,300.00</u>	<u>Health Waiver</u>
	<u>\$ 200.00</u>	<u>Dental Waiver</u>
<u>Family Coverage:</u>	<u>\$3,700.00</u>	<u>Health Waiver</u>
	<u>\$ 300.00</u>	<u>Dental Waiver</u>

Any waivers that are less than a full year shall be pro-rated. As noted in LFN 2016-10, N.J.S.A. 52:14-17.31a and 40A:10-17.1, payments cannot exceed the lesser of twenty-five percent (25%) of the amount save by the local unit as a result of the waiver, or \$5,000.

2A-12.9 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.** Employees have no right or expectation of privacy in accessing, reviewing and using their personal accounts, such as Gmail, Facebook, LinkedIn,

Myspace, etc. when accessing those accounts through Township computers and internet servers. 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.

Social Media 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 Administrator** may engage in social media activity during work time through the use of Bedminster Township's Communication Media, it directly **relates** to their work and it is in compliance with this policy.

Employees, **volunteers, elected officials and appointed officials** 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.

No Bedminster Township employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with 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 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.

No media advertisement, electronic bulletin board posting, or any other **communication** 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. **Such unauthorized communications may result in disciplinary action.**

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 **without a legitimate authorized purpose and authorized by the Administrator**) 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.

Employees, **volunteers, elected officials and appointed officials** 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.

2A-12.15 Employee Relationship Policy:

Bedminster Township recognizes the right of employees to engage in social relationships with each other. However, the municipality also recognizes that such relationships can be problematic. 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, Bedminster

Township has adopted the following policy on the subject of supervisor/subordinate relationships. If such a relationship exists or develops, both parties involved shall report the fact to the Administrator.

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, work schedule or any other terms, conditions or privileges of employment with the municipality. 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. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

This Communication Media Policy applies to all employees, volunteers, elected officials and appointed officials. Anyone who violates this policy will be subject to disciplinary action, up to any including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations. Nothing in this policy alters an employee's at will status.

ATTEST:

BEDMINSTER TOWNSHIP
COMMITTEE:

By: _____
Judith Sullivan, RMC
Township Clerk

By: _____
Lawrence F. Jacobs, Acting 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 Special Meeting held on September 27, 2016.

Judith Sullivan, Township Clerk

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