

Richard C. McCarthy Commission
Chamber, City Hall
Millville, New Jersey
July 19, 2016 6:30 p.m.

The Board of Commissioners met in a regular session with Mayor Santiago presiding. Members present: Santiago, Ennis, Porreca Compari and Sooy. Absent: None. Vacant: Commissioner of Revenue & Finance.

Reverend Fosbenner, Jr. delivered the invocation, followed by the flag salute.

Mayor Santiago made the statement required by the Open Public Meeting Act of 1975.

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975", was advertised, posted and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting.

The City Clerk/Administrator reviewed changes to the agenda as follows:

Deleted:

13.II Ordinance on 1st reading amending the Municipal Code of the City of Millville, Chapter 11, Bureau of Permits and Inspections was removed.

Added:

15.X Resolution authorizing first amendment to contract with Labor Attorney, William Tambussi.

Changed:

13.III Ordinance on 1st reading amending Chapter 46, Personnel Policies Section 46-51.

Ceremonial Swearing-In of Police Officers

Mayor Santiago introduced the following Police Officers:

Bradley Moore
Albert Chard, Jr.
Anthony Jones
Jonathan Harris

Chief Farabella congratulated and welcomed the new officers to the City of Millville.

City Clerk/Administrator Susan Robostello administered the ceremonial Oath of Office to the officers.

A motion was made by Commissioner Ennis, seconded by Commissioner Sooy to approve and dispense with the reading of the minutes from the July 5, 2016 Work Session and July 5, 2016 Commission Meeting and to proceed with the regular order of business.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

A motion was made by Commissioner Ennis, seconded by Commissioner Sooy that the following bills be ordered paid, when properly certified and passed by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

SEE BILL LIST FOLLOWING THE MINUTES OF THIS MEETING

Public Comment on Agenda Items only

Mayor Santiago opened the public comment portion on agenda items only and asked if any persons wished to be heard.

There being no comments, Mayor Santiago closed the public comment portion.

Old Business

A motion was made by Commissioner Sooy, seconded by Commissioner Ennis to receive and file the report from Purchasing Agent regarding Proposals (RFP) received by the Purchasing Board on June 23, 2016, for the Project known as "RFP-Environmental Legal Counsel" and recommending award to Flaster Greenberg, 1810 Chapel Avenue West, Cherry Hill, NJ 08002

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Petitions & Letters

A motion was made by Commissioner Ennis, seconded by Commissioner Sooy to receive and file correspondence received from Don Daigle.

Commissioner Porreca Compari discussed the importance of the project.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago

**Reports of Commissioners
Department of Public Works**

Department of Public Affairs

Commissioner Porreca Compari discussed the code violation notice process and the pamphlet with trash collection information included in the tax bill mailing last week.

A motion was made by Commissioner Porreca Compari, seconded by Commissioner Sooy to receive and file the Zoning Officer's Report for the period covering January 4, 2016 through June 30, 2016.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Department of Parks & Public Property

Commissioner Sooy announced upcoming events and discussed brush collection and e-waste pickup.

Department of Revenue & Finance

A motion was made by Commissioner Sooy, seconded by Commissioner Porreca Compari to receive and file the Tax Collector's Report for the month of June 2016 and the Commissioner's Report - June 2016

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

A motion was made by Commissioner Sooy, seconded by Commissioner Porreca Compari to receive and file the Safety Committee Meeting Minutes of May 10, 2016.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Department of Public Safety

Mayor Santiago reviewed the Fire Activity Report for the month of June 2016 and the Police Department Activity Report for June 2016.

Ordinances 1ST Reading

The City Clerk/Administrator read the following Ordinance by title only:

Ordinance No.

An Ordinance Amending the Municipal Code of the City of Millville: Be it ordained by the Governing Body of the City of Millville in the County of Cumberland as follows:

CHAPTER 39
MOTOR VEHICLE AND TRAFFIC REGULATIONS

ARTICLE X
Schedule 21

Parking Reserved for Handicapped Persons

Add

| <u>Name of Street</u> | <u>Placard Number</u> |
|-----------------------|-----------------------|
| None | |

Repeal

| <u>Name of Street</u> | <u>Placard Number</u> |
|-----------------------|-----------------------|
| 802 Dock Street | P455920 |

This Ordinance shall take effect after final approval and publication as required by law.

Moved By:

Seconded By:

VOTING

Michael Santiago

Lynne Porreca Compari

David W. Ennis

Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| | | | |
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| | | | |
| | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.

Susan G. Robostello, City Clerk

Commissioner Sooy motioned, seconded by Commissioner Ennis that the foregoing Ordinance be approved and final consideration be held on August 2, 2016

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Ordinance as amended, by title only:

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

ORDINANCE NO.

AMENDING CHAPTER 46 ("PERSONNEL POLICIES")

WHEREAS, as a general matter the Personnel Policies of the City of Millville are codified in Chapter 46 of the Millville City Code; and

WHEREAS, Article III ("Policies and Procedures; Rules and Regulations") provides for at least four different employee manuals which contain, *inter alia*, standard operating procedures/guidelines pertaining to City employees; and

WHEREAS, the aforesaid employee manuals were adopted in the mid-1990's and consequently are in danger of becoming outdated and further the Board finds it to be in the City's best interest to consolidate said policy manuals; and

WHEREAS, the City has engaged special labor attorneys to conduct a comprehensive review of Chapter 46 as well as the policy manuals and to recommend amendments and/or revisions so that they may be consolidated and updated;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE AS FOLLOWS:

SECTION 1

**CHAPTER ONE
PERSONNEL POLICIES**

Article 1. General Personnel Policies

§ 46-1 Purpose.

It is the policy of the City to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The purpose of these policies is to establish a uniform personnel system that provides a fair balance between managerial needs and employee protection for the efficient delivery of public services to the residents of the City of Millville.

§ 46-2 Scope.

The personnel policies and procedures of the City shall apply to all appointed officials, employees, independent contractors and volunteers. In the event there is a conflict between these policies 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.

§ 46-3 Disclaimer.

The governing body of the City reserves the right to amend or repeal these policies, together with the standard operating procedures, rules and regulations, at any time with or without notice to the employees. None of these policies and procedures or rules and regulations shall be deemed to create a vested contractual right in any employee nor to limit the power of the governing body to amend or repeal them.

§ 46-4 Appointment and promotion.

All employees, officers and department heads shall be appointed and promoted by the Commissioner in charge of the department where they work or will work. No person shall be employed or promoted unless there exists a position created by the Salary Ordinance adopted by the governing body as well as the necessary budget appropriation.

§ 46-5 Responsibility.

The Commissioner in charge of a Department shall be authorized and responsible for the enforcement of the personnel policies and procedures. That Commissioner, however, shall consult with the City Administrator and/or the Personnel Officer for guidance.

§ 46-6 No tolerance policy.

As a general principle, the City has a no tolerance policy towards workplace wrongdoing. City employees, officials and independent contractors are to report anything perceived to be improper to the City Administrator. The City encourages employees to talk with their supervisor, department head or City Administrator concerning any problem.

Article 2. Civil Service and Unclassified Services*§ 46-7 Classified civil service defined.*

The classified civil service of the City of Millville shall consist of all full-time officers and employees of the City except employees not classified by this chapter, elected officers and such others as may be defined by other ordinances of the City.

§ 46-8 Classifications, grades and salaries.

The full-time officers and employees in the classified civil service shall be classified and graded and be paid an annual or hourly rate of pay, as the case may be, within the limits or ranges as established by ordinance.

§ 46-9 Appointments to be at minimum salary.

Appointments and reappointments to positions in the classified City service shall normally be made at the minimum salary fixed for the applicable class grade. The City Commission may, however, make an exception based upon the appointee's service with the City, character, experience or ability.

§ 46-10 ~~Fifty-two~~ Pay periods per year.

All rates of pay for positions in the classified City service shall be computed on a bi-weekly basis.

§ 46-11 Advancement.

All increases in salary or persons in the classified City service shall be granted by the City Commission on the basis of exceptional merit. Such increases shall be within the ranges set forth in § 46-8 and shall be granted by resolution of the Board of Commissioners.

§ 46-12 Salary following promotion.

Unless otherwise provided by contract, whenever an individual in the classified City service is promoted to a new position, his or her new salary shall be fixed by the City Commission but, in no case, shall it be fixed at less than the amount received in his or her former position, or more than 2% of his or her current salary or the minimum of the new title range whichever is greater.

§ 46-13 Salary following demotion.

Demotions or reduction in salaries shall be made according to the personnel policies and the rules and regulations of the ~~Department of Personnel~~ Civil Service Commission pursuant to ~~Title~~ Title 4A of the New Jersey Administrative Code.

§ 46-14 Salary following authorized leave of absence.

Whenever an individual is reinstated to his or her former position after an authorized leave of absence, his or her salary shall be fixed by the City Commission but shall not be fixed in a range below that held by him or her prior to his or her leave.

§ 46-15 Salaries of unclassified personnel.

Salaries for unclassified personnel shall be established in the Salary Ordinance annually. Editor's Note: See Ch. 2, Administration, Art. XX, Salaries and Compensation.

§ 46-16 Job title and job description.

Each position with the City shall be assigned to a job title. A job description, including qualifications, shall be maintained for each job title pursuant to New Jersey ~~Department of Personnel~~ Civil Service Commission guidelines if the position is subject to civil service. All job descriptions must be approved by the Commissioner in charge of the department. The City Clerk shall make copies available upon request.

Article 3. Policies and Procedures; Rules and Regulations

§ 46-17 Adoption.

The governing body of the City shall adopt the personnel policies by ordinance. ~~The governing body is hereby authorized to adopt the following procedures, rules and regulations for officers and employees of the City by resolution pursuant to its general rule-making authority authorized by state law and Chapter 2 of the Municipal Code of the City.~~

A. The City of Millville Personnel Policies and Procedures Manual shall apply to all employees unless otherwise provided in the Millville Police Department Rules and Regulations or the Millville Fire Department Rules and Regulations.

B. The Fire Department Rules and Regulations contains specific rules and regulations applicable to all Fire Department personnel.

C. The Police Department Rules and Regulations contains specific rules and regulations applicable to all Police Department personnel.

§ 46-18 Amendments.

The Standard Operating Procedures and the various employee manuals may be amended by resolution of the governing body of the City from time to time as hereinafter provided.

§ 46-19 Amendatory procedure.

Any Commissioner seeking to amend the Standard Operating Procedures or any of the employee manuals may do so by circulating a draft copy of the proposed amendments to the City Clerk, City Attorney, and other Commissioners at least five days in advance of the Commission meeting when the amendment resolution is to be considered.

§ 46-20 Copies and acknowledgment.

Copies of these documents shall be kept on file in the office of the City Clerk. Copies of these documents shall be disseminated to all employees covered by them and an acknowledgment shall be signed by the employee receiving them. Additional copies of these documents shall be made available to any employee upon request.

Article 4. Alcohol and Drugs

§ 46-21 Policy.

In compliance with the Drug-Free Workplace Act of 1988, the City of Millville has a longstanding commitment to providing a safe and productive work environment consistent with the standards of the community we serve. Alcohol and drug abuse pose a threat to the health and safety of City employees and to the security of our equipment and facilities. For these reasons, the City of Millville is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy continues to apply to all employees and all applicants for employment of the City.

EMPLOYEE ASSISTANCE AND DRUG FREE AWARENESS

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the City.

The City will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other City policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to

treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive or require driving, or have violated this policy previously. Once a drug test has been scheduled, the employee will have forfeited their right to be granted a leave of absence for treatment and possible discipline, up to and including discharge, will be unavoidable.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so by their Supervisor.

WORK RULES

1. Whenever employees are working, are operating any City vehicle, are present on City premises, or are conducting City related work off-site, they are prohibited from

- using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia);
- being under the influence of alcohol or an illegal drug as defined in this policy; and
- possessing or consuming alcohol

2. The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body system, while performing City business or while in a City facility, is prohibited.

3. The City will also not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce this if asked. Employees possessing prescription medication in child care centers must secure it behind lock and key.

4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement officer and may result in criminal prosecution.

REQUIRED TESTING

Pre-employment: All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable Suspicion: Employees are subject to testing based upon (but not limited to) observations by supervision or management of apparent workplace use, possession or impairment. The City Personnel Officer shall be consulted before sending an employee for testing. All levels of supervision or management making this decision must utilize the "Reasonable Suspicion Check List" to document specific observations and behaviors that create a reasonable suspicion that the person is under the influence of illegal drugs and/or alcohol. If the results of the "Reasonable Suspicion Check List" indicate further action is justified, the manager/supervisor should confront the employee with the documentation and with a union representative present (for all unionized employees) and/or with another member of management (for all non-unionized employees). Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of supervision/management and a union representative (if appropriate) must escort the employee; the supervisor/manager will make arrangements for the employee to be transported home.

Post-accident: Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment, or property and/or result in an injury to themselves, another employee, or client requiring off-site medical attention. A probable belief circumstance will be presumed to arise in any instance involving a work-related accident or injury in which an employee who was operating a motorized vehicle (including, but not limited to, fork lifts, pallet jacks, automobiles, pickups, vans, or trucks) is found to be responsible for causing the accident. In any of these instances, the investigation and subsequent testing must take place within

two (2) hours following the accident, if not sooner. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility.

Follow-Up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline, up to and including discharge. Depending upon the circumstances and the employee's work history/record, the City may offer an employee who violates this policy or tests positive the opportunity to return to work on a last chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies determined by the City for a minimum of one (1) year but not more than two (2) years as well as a waiver of the right to contest any termination resulting from a subsequent positive test. If the employee either does not complete their rehabilitation program or tests positive after completing the rehabilitation program, they will be subject to immediate discharge from employment.

CONSEQUENCES

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be allowed to re-apply/re-test in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested yet we believe they are impaired, under no circumstances will the employee be allowed to drive himself or herself home.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test.

CONFIDENTIALITY

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the MRO shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

INSPECTIONS

The City reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband; affected employees may retain representation during this process, including union representation for unionized employees. Inspections are to be conducted by authorized personnel; a member of the senior management team and/or a supervisor. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal a drug, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

CRIMES INVOLVING DRUGS

The City prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on the City premises or while conducting City business. City employees are also prohibited from misusing legally prescribed or OTC drugs. Law enforcement personnel shall be notified, as appropriate, where criminal activity is suspected.

The City does not desire to intrude into the private lives of its employees, but recognizes that employee's off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, the City reserves the right to take appropriate disciplinary action for drug usage/sale/distribution or driving while Under the Influence of drugs or alcohol ("DWI") while off

company premises. All employees who are convicted of, plead guilty to, or are sentenced for a crime involving an illegal drug or conviction of "DWI" are required to report the conviction, plea or sentence to the Commissioner overseeing their Department within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with the City.

DEFINITIONS

"City Premises" includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the City of Millville or on any site on which the City is conducting business.

"Illegal Drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"Refuse to Cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the Influence of Alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the Influence of Drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter) where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization).

REASONABLE SUSPICION AND POST-ACCIDENT TESTING PROTOCOL

1. The employee will be advised that the City believes that there is reasonable suspicion to believe that he/she is affected by illegal drugs or alcohol (or due to the nature of the accident the policy mandates this) and that this test is being offered to confirm or deny this suspicion.
2. The employee will be transported to a testing facility. One member of management/designated attendant will accompany the employee. Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. In cases where the supervisor and employee are of the opposite sex, the employee may request the management staff to arrange for a third management staff employee to accompany the supervisor and employee to the testing site.
3. Prior to leaving for the testing facility, supervision/management will contact the testing facility to inform them that staff from the City of Millville will be arriving and will need a drug and/or alcohol test completed.
4. The employee to be tested **MUST** present a PHOTO ID (i.e., a driver's license or state ID card) to the testing facility staff before the specimen can be obtained. Ensure that the employee brings this with them when leaving the City premises.
5. The employee to be tested must sign a consent form provided by/at the testing facility. Refusal to sign is addressed under the "Consequences" section of this document.

6. When leaving the testing facility, the supervisor/manager **MUST** make arrangements to transport the person home, unless testing results are immediate and negative. Under no other circumstances will the tested employee be allowed to drive himself or herself home.

Article 5. Bulletin Board Policy

§ 46-22 Official business.

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

§ 46-23 Union business.

In accordance with the collective bargaining agreements, bulletin board space shall be made available by the City at permanent work locations for the use of the various unions for the purpose of posting union announcements and other information of a noncontroversial nature. The City maintains the right to review and approve all material posted on the bulletin board.

Article 6. Conflict of Interest.

§ 46-24 Policy.

Employees, including City officials, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interest of the City. Violations of this policy will result in appropriate disciplinary action.

§ 46-25 State-mandated disclosure form.

The City recognizes the right of employees to engage in outside activities that are private in nature and unrelated to City business. However, business dealings that appear to create a conflict between the employee and the City'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 City Clerk a state-mandated disclosure form. The City Clerk shall notify employees and officials who are subject to this requirement.

§ 46-26 Disclosure of possible conflicts.

An actual or potential conflict of interest occurs whenever an employee, including a City official, is in a position to influence a City 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, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt or any person related by blood or marriage residing in the household of an employee.

Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

1. Employees are expected to represent the City in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to the City Administrator or the City Attorney.

2. Employees may not engage in, directly or indirectly either on or off the job, any conduct which is disloyal disruptive, competitive, or damaging to the City. Prohibited activity also includes any illegal acts in restraint of trade.
3. Employees may not accept any employment relationship with any organization that does business with the City. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted-as a representative of the City.
4. Employees must disclose any financial interest they or their immediate family have that does business with the City. The City may require divestiture of the interest if it considers the financial interest to be in conflict with its best interests.
5. Employees and their immediate family may not accept gifts, or any special discounts or loans from any person doing, seeking to do, business with the City. The meaning of gifts for purposes of this policy includes the acceptance of lavish entertainment and travel and lodging; and any gift of any nominal value. See § 46-28 Gifts or gratuities
6. No person shall hold a job over which a member of his or her immediate family exercises supervisory authority.
7. As stated previously, any conflict or potential conflict of interest must be disclosed to the City and failure to do so will result in discipline, up to and including termination.

§ 46-27 Outside employment.

Employees are allowed to hold outside employment in accordance with City policy. Employees are prohibited from engaging in outside employment activities while on the job or using City time, equipment or supplies in the outside employment activities. The City Administrator may request employees to restrict outside employment if the quality of City work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the City must submit a written notice of these outside interests to the City Administrator.

§ 46-28 Gifts or gratuities.

Employees may not accept contributions, donations, gifts or gratuities that could be interpreted to affect their City duties. Under no circumstances shall a City employee accept contributions, donations, gifts or gratuities from a vendor doing business with or seeking to do business with the City or any person or firm seeking to influence City decisions. Meals and other entertainment valued in excess of \$100 also are prohibited. Employees are required to report to the City Administrator any offer of a contribution, donation, gift or gratuity, including meals or entertainment that is in violation of this policy.

Article 7. Contagious and Life Threatening Illnesses

§ 46-29 Reasonable accommodation.

The City encourages employees with contagious and/or communicable diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The City 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 City.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS-Related Complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis. The City may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

The City will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. The City reserves the right to exclude a person with a communicable disease from the workplace facilities, programs and functions if the organization finds that, based on a medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

§ 46-30 Confidentiality.

The City will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- A. Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- B. 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.
- C. Information may be disclosed to the Department of Health as required by state or federal law.
- D. 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the City Administrator.

Article 8. Defense and Indemnification

§46-31 Policy and Definitions.

The purpose and intent of this article is to provide standards and to regulate the manner in which the City shall provide for the defense and indemnification of appointees, employees and officials in connection with legal actions filed against them, including cross-claims and counterclaims. The definition of an appointee, employee and official shall be liberally interpreted in order to effectuate the purpose and intent of this policy, except that these terms shall not mean:

- A. Any legal entity which is not a natural person;
- B. Any person while providing goods or services of any kind under any contract with the City except an employment contract;
- C. Any person while providing engineering or legal services for compensation unless that person is a full-time employee of the City; and

D. Any person who as a condition of his or her appointment or contract is required to defend and indemnify the City or secure liability insurance.

§46-32 Standards for Defense and Indemnification.

A. The City shall provide for the defense and indemnification of any present or former appointee, employee or official who becomes a defendant in a civil action arising from any act or omission falling within the scope of their public duties.

B. The City shall provide for the defense and indemnification of any present or former appointee, employee or official who becomes a defendant in a civil action if the person involved:

- (1) Acted or failed to act in the discharge of a duty imposed or authorized by law;
- (2) Acted or failed to act in a matter in which the City has or had an interest; and
- (3) Acted or failed to take action in good faith.

C. The City may provide for the defense of a present or former appointee, employee or official in any other action or proceeding, including criminal proceedings, if the governing body of the City concludes that such representation is in the best interest of the City and the person to be defended acted or failed to act in accordance with the standards set forth herein.

§46-33 Exceptions.

A. The City shall not indemnify any person against the payment of punitive damages, penalties or fines, but may provide for the legal defense of such claims in accordance with the standards set forth herein.

B. The City may refuse to provide for the defense and indemnification of any civil action referred to herein if the governing body of the City determines that:

- (1) The act or omission did not occur within the scope of a duty authorized or imposed by law;
- (2) The act or failure to act was the result of actual fraud, willful misconduct or actual malice of the person requesting defense and indemnification; or
- (3) The defense of the action or proceeding by the City would create a conflict of interest between the City and the person involved.

§46-34 Assignment of Counsel; cooperation.

A. The City may provide for the defense pursuant to this policy by authorizing its Attorney to act on behalf of the person being defended or by employing other counsel for this purpose or by asserting the right of the City under any appropriate insurance policy that required the insurer to provide a defense.

B. Whenever the City provides for the defense of any action set forth herein and as a condition of such defense, the City may assume exclusive control over the representation of the person defended, and the person defended shall cooperate fully with the assigned counsel and the City.

Article 9. Employment Procedures

§46-35 Recruitment and Offers of Employment.

A. Recruitment: The City Administrator along with the city attorney will coordinate the employment recruitment process for all vacancies in full time permanent employment to ensure compliance with Civil Service, contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the department head to notify the City Administrator who will distribute notification of the vacancy to all applicable departments. The City Administrator will undertake to recruit qualified applicants in accordance with the applicable federal and state law, including the New Jersey Civil Service Commission regulations if the position is subject to Civil Service. Where positions are advertised, the media or other periodical utilized must have as wide a circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the city is an equal opportunity employer.

B. Applications: All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process.

C. Interviews: The City Administrator or designee will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division on Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants.

D. Physical examination: The City Administrator may require applicants, prior to employment, to successfully pass a pre-employment drug/alcohol screening and a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The City Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the city at the expense of the city. All medical records of employees and prospective employees are confidential and are to be maintained by the city clerk separate from the employee's official personnel file.

E. Criminal Background Check – In accordance with State and Local law, all applicants will be required to undergo a Pre-Employment Background Screening.

F. Job offers: The final decision will be made by the commissioner in charge of the department after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant to federal and state law. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter shall also establish a deadline for acceptance.

G. Acceptances and rejections: If the first offer is rejected, the commissioner in charge of the department will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

H. Record retention: All applications, notes made during interviews and reference checks, job offers and other documents created during the hiring process must be returned to the city clerk. Documents related to the successful candidate shall be placed in the employee's official personnel file, except that medical records including physical examination must be maintained in a separate file. All records and documents related to other candidates must be retained in accordance with

record retention statute. ~~for at least one year.~~ Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

§46-36 Initial Employment Period Procedure

Except where state requirements direct otherwise, new employees or present employees transferring to new positions shall be hired subject to an initial employment period of not less than 90 days. During this initial employment period, the new employee or transferee shall be provided with training and guidance from the supervisor. During this initial employment period, department heads shall evaluate probationary employees a minimum of three times and provide a written report to the commissioner in charge of the department concerning the progress of the employee and the quality of their performance. New employees may be discharged at any time during this period if the commissioner in charge of the department concludes that the employee is not progressing or performing satisfactorily.

§46-37 New Employee Orientation and Processing Procedure

All new regular full-time and regular part-time employees shall be scheduled to meet with the City Administrator, city clerk or designee on their first day of employment for a general orientation. Copies of all forms and acknowledgments must be returned to the city clerk for inclusion in the employee's official personnel file. The orientation shall include:

- A. A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- B. The completion of all pertinent personnel, payroll, insurance and pension forms;
- C. A review of the Employee Handbook and acknowledgment of receipt;
- D. A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgment of receipt;
- E. The Employee Complaint Policy letter and acknowledgment;
- F. A safety orientation and acknowledgment; and
- G. Arrangements to complete required PEOSHA safety training.

§46-38 Open Public Meetings Act Procedure Concerning Personnel Matters

Discussions by the governing body of the city concerning appointment, promotion, demotion, termination, performance evaluation, discipline, or terms and conditions of employment of any current or prospective officer or employee shall be held in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted.

Prior to the discussion by the governing body of the city concerning such matters, the city clerk shall notify the affected person of the meeting date, time and place when and where the matters will be discussed and the person's right to request that discussion occur in open session. If the individual does not request that the discussion be held in open session, the governing body of the city may, at its sole discretion, invite the affected individual to attend the applicable portion of the closed session.

In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be held in open session, then the discussion shall be held in closed session.

§46-39 Requests for Employment Verification and Reference Procedure

- A. Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the city clerk. No city official, department head or employee may issue a reference letter without the permission of the city clerk. Under no circumstances should any information be released over the telephone.
- B. In response to a request for information, the city clerk will verify only an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless the city is required to release the information by law or the employee or former employee authorizes the city, in writing, to furnish this information and releases the city from liability.

§46-40 Workplace Accommodations and Medical Leave Procedure

- A. The city has no light duty policy. The city does have a Temporary Modified Duty policy for work related incidents. Requests to accommodate medical restrictions, both mental and physical, will be handled on an individual basis in accordance with the federal Americans with Disability Act (ADA) and the state Law Against Discrimination (LAD). This procedure for handling requests for accommodating medical restrictions will be managed by the City Administrator or designee. The administrator will insure that the appropriate Commissioner, department head, and the employee making the request are involved in this process.
- B. The federal Family Medical Leave Act (FMLA) and the state Family Leave Act (FLA) authorizes an employer to require a medical certification from an employee requesting medical leave to curb possible employee abuse of medical leave. Accordingly, the city requires that a request for leave based on an employee's own serious health condition, or the serious health condition of the employee's child, parent or spouse be supported by a medical certification from the appropriate health care provider which the employee shall file with the city clerk or designee. If the leave is foreseeable and at least 30 days-notice has been provided, the employee shall provide the medical certification before the leave commences. In all other circumstances, except emergencies, the medical certification shall be provided within at least 15 calendar days following the request for certification from the city clerk.
- C. Type of Medical Certification Required.
 - 1. When an employee makes a request for an accommodation, the request must be supported by a medical certification which lists all of the medical restrictions that affects the employee's ability to perform his or her job or duties and the projected duration of these restrictions. The City Administrator or designee may provide a copy of the employee's job description to the health care provider so that the medical certification is accurate and comprehensive.
 - 2. When an employee makes a request for medical leave, the request must be supported by a medical certification from a health care provider which includes the following information: (1) the medical facts that support the criteria of a serious medical condition; (2) the date the medical condition began and the expected duration of the condition; (3) whether leave will be intermittent or on a reduced leave schedule; (4) the duration of the leave; (5) if the serious medical condition is pregnancy or a chronic condition, whether the patient is presently

incapacitated and the duration and frequency of episodes of incapacity; and (6) if additional treatments are required, an estimate of the probable number of such treatments.

3. If the medical leave is requested because of the employee's own serious health condition, the medical certification also must state whether the employee: (1) is unable to perform work of any kind; (2) is unable to perform any one or more of the essential functions of the job identifying each; or (3) must be absent from work for treatment.
4. If the medical leave is requested to care for a child, parent, or spouse with a serious health condition, the medical certification also must state whether the patient required assistance for basic medical needs, personal needs, safety or transportation; or, if not, whether the employee is needed to provide psychological comfort to the patient or to assist in the patient's recovery.
5. The U.S. Department of Labor has issued regulations and a model certification form (Form WH-380) for implementing the FMLA medical certification requirement. Under the statute, an employer may not acquire the employee's medical records or a summary medical report that contains any information beyond that which is set out in the sample certification form.

A. Second Opinions and Disputes

1. Where the City Administrator or designee has reason to question the original medical certification submitted on behalf of an employee, the city clerk may require the employee to obtain a second certification from a different health care provider chosen by the city at the city's expense. If there is a conflict between the first and second medical opinions, the city clerk may require the employee to obtain a third certification from a health care provider jointly approved by the city clerk and the employee. The city shall pay for the cost of the third opinion. The third opinion will be final and binding on both the city and the employee. The city clerk and employee must each act in good faith to reach an agreement on the third provider. Failure to act in good faith will result in either the first opinion (city's failure), or second opinion (employee's failure) binding the parties.
2. Pending the ultimate resolution of an employee's entitlement to a reasonable accommodation, the city is not obligated to provide a reasonable accommodation under federal or state law.
3. Pending the ultimate resolution of an employee's entitlement to medical leave, the employee is provisionally entitled to all the benefits of the federal and state laws including maintenance of group health benefits. If the certifications ultimately establish that an employee is not entitled to medical leave, the leave may be treated as either paid or unpaid leave in accordance with the city's existing leave policies.

A. Medical Privacy

1. The City Administrator or designee must take reasonable steps to safeguard an employee's medical records from any intentional or unintentional use or disclosure that is in violation of the Health Insurance Portability and

Accountability Act (HIPAA) and the regulations adopted pursuant thereto. All medical certifications, recertifications or medical histories of employees or family members of employees shall be maintained in a separate file from the official personnel file and stored in a locked cabinet during periods of the day and night when access is not required.

2. The medical records must be maintained as confidential according to privacy requirements and disclosure of the medical information is restricted as follows: (1) managers and supervisors may be informed about necessary restrictions on the work or duties of an employee and any necessary accommodations; (2) first aid and safety personnel may be informed when appropriate if the employee's mental or physical condition might require emergency treatment; and (3) government officials investigating compliance with federal or state laws must be provided relevant information upon request.
3. Pursuant to U.S. Department of Labor regulations an employer may not seek a broad listing of the dates on which the employee was seen by the health care provider, or a description of the nature of the treatment provided in most circumstances, or allow the disclosure of a diagnosis.
4. The ADA and the FMLA authorizes employers to obtain medical information about their employees for medical certifications and fitness-for-duty examinations. HIPAA requires the city clerk to obtain a written authorization from the employee to obtain the medical information for these purposes. The employee is encouraged to cooperate with the city clerk in providing this authorization.
5. If the City Administrator or designee questions the original medical certification submitted by the employee, a health care provider acting on behalf of the city may contact the employee's health care provider to clarify and confirm the authenticity of the submitted medical certification. However, this inquiry generally is limited to those circumstances where the employee consents to such contacts.

A. Subsequent Recertifications

If the minimum duration of the employee's incapacity specified on a medical certification is more than 30 days, the City Administrator or designee may not request a recertification until the minimum duration is past except as hereinafter provided in subsections A through C. If the leave is for a chronic medical condition, a long term medical condition, pregnancy, or a serious health condition, the City Administrator or designee may request a recertification not more often than every 30 days unless:

1. Circumstances described by the previous certification have changed significantly, for example, the duration of the absence has changed, the frequency of the absences have changed or the severity of the medical condition has changed.
2. The city receives information casting doubt upon the employee's stated reason for the absence.
3. The employee requests a leave extension.

G. Return to Work Certification or Examination

1. As a condition of returning to work after injury leave, medical leave, or sick leave, the City Administrator or designee may require a medical certification from the employee's health care provider that the employee is fit for duty. The city

clerk also may require that an employee take a fitness-for-duty examination. The policy regarding return to work certifications and examinations must be uniformly applied and be based on objective factors such as: (1) the chronic nature of the medical condition; (2) the duration of the absence from work; (3) the serious nature of the medical condition; and (4) the job title and job description of the employee.

2. If the City Administrator or designee requires a fitness-for-duty certification, the City Administrator or designee must provide the employee requesting leave with written notice of this requirement at the time that the leave commences or immediately thereafter. According to the U.S. Department of Labor regulations, the medical certification need only be a simple statement that the employee is able to return to work without restrictions.
3. With the employee's permission, a health care provider engaged by the city may contact the health care provider of the employee to verify the employee's fitness to return to work. If this provision is invoked, the city may not delay the employee's return to work while this contact is being made.

A. Failure to Satisfy Medical Certification Requirements

1. If an employee fails to provide a medical certification which accurately and comprehensively lists the medical restrictions, the city shall not be obligated to provide a reasonable accommodation pursuant to federal and state law.
2. If an employee's medical leave is foreseeable, failure to provide a timely medical certification shall result in the city clerk delaying the medical leave until the certification is provided. If the medical leave is not foreseeable, an employee must provide the certification within 15 calendar days after requested to do so by the city clerk, or as soon as reasonably possible under the particular facts and circumstances. For example, a medical emergency may prevent the employee from providing the medical certification within the allotted time. However, if the employee fails to provide the medical certification within a reasonable time, the city clerk shall delay the continuation of the leave. If an employee never provides the requested medical certification, the leave shall not be considered an authorized medical leave under federal or state law.

A. Workers Compensation

Workers compensation patients are exempt from the federal HIPAA regulations and all disclosure and handling of medical records defaults to the state Workers Compensation Act. Workers compensation patients do not have the right to restrict access to their medical records based on HIPAA regulations, where those medical records are required for handling any aspect of the worker's compensation case or the injury leave connected with it. This includes the right of the city to request a return-to-work certification or a return-to-work examination to determine fitness for duty.

Article 10. Discipline

§46-41 Systems of Progressive Discipline.

Employees are expected to devote themselves to the mission of the City, meet all work standards, and conduct themselves appropriately. Failure to do so can result in disciplinary action, up to and including discharge.

Employees shall be subject to disciplinary action according to the nature of the offense. A system of progressive discipline shall be utilized for second and subsequent offenses of a similar or greater gravity.

Any infraction of the City's work rules or poor work performance is investigated. Employees may have another worker present as a witness during a discussion with management officials who are investigating an incident of misconduct or a possible serious rule violation. If the results of the investigation demonstrate that discipline is appropriate, the appointing authority shall decide on the appropriate penalty, based on the progressive discipline criteria set forth below.

1. Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit. This policy does not modify the status of employees as employees-at-will or in any way restrict the City's right to bypass the disciplinary procedures suggested.
2. The normal application of progressive discipline should be:

A. Step 1: Counseling and Verbal Warning

Step 1 creates an opportunity for the ~~immediate supervisor~~ department head to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue. The ~~supervisor~~ department head should discuss with the employee the nature of the problem or the violation of company policies and procedures. The ~~supervisor~~ department head is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem. A corrective action plan must be implemented. Should the department head consider the offense sufficiently serious to warrant consideration by the City Administrator and /or the Commissioner of the department, the employee will be so advised and a meeting arranged with the City Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination shall be made at that time if disciplinary action is warranted.

This meeting should be documented to ensure that the employee is clear on what the expectations are. The ~~supervisor~~ department head shall prepare written documentation of a Step 1 meeting. The written documentation shall be filed with the Personnel Officer as well as with the Commissioner in charge of the Department. The employee will be asked to sign this document to demonstrate his or her understanding of the issues and the corrective action.

B. Step 2: Written warning

Although the City hopes that the employee will promptly correct any performance, conduct or attendance issues that were identified in Step 1, the City recognizes that this may not always occur. The Step 2 written warning involves more detailed documentation of the performance, conduct or attendance issues and consequences. When a department head determines that a written reprimand is appropriate, the situation must be discussed with the City Administrator or designee.

During Step 2, the ~~immediate supervisor~~ department head and City Commissioner will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations.

A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a Step 2 meeting. A warning

outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the written warning. Supervisors/Managers are to refer to the PIP document.

C. Step 3: Suspension and final written warning

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor department head may suspend the employee pending the results of an investigation as per the rules of the New Jersey Civil Service Commission.

However, when suspension is recommended it is the City Administrator and/or the Commissioner of the department that will make the decision and may seek the advice of the city attorney, if appropriate, prior to such an action taking place. Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from the appointing authority. Suspended employees may request a hearing under the applicable grievance procedure and civil service procedure.

Depending on the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. The City Attorney will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

D. Step 4: Recommendation for termination of employment

The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, the City will try to exercise the progressive nature of this policy by first providing warnings, a final written warning or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the City reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Whenever an employee is recommended for dismissal, the City Administrator and/or the Commissioner of the department will make the decision only after seeking the advice of the city attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure and civil service procedure. The City's recommendation to terminate employment must be approved by the appointing authority.

E. Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline, and such behavior may be reported to local law enforcement authorities. Typically, the City should suspend the employee immediately (with or without pay) and an investigation of the incidents leading up to the suspension should be conducted to determine if any further action, such as termination, should be taken.

Similarly, theft, substance abuse, intoxication, fighting, behavior that puts staff, children, parents or the program at risk, and other acts of violence at work may also not be subject to progressive discipline and may be grounds for immediate termination.

F. Documentation

The employee will be provided copies of all progressive discipline documentation, including all PIPs. The employee will be asked to sign copies of this documentation attesting to his or her receipt and understanding of the corrective action outlined in these documents.

All supervisory and managerial employees must follow the progressive discipline policy set forth in this handbook.

Employees can appeal disciplinary actions pursuant to the rules of the New Jersey Civil Service Commission, with notification to the City Commissioner.

§46-42 General Causes.

A. An employee may be subject to discipline for any one or more of the following general causes:

- Falsification of public records, including attendance and other personnel records; theft of time.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the City, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on City property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on City property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on City property and at any time during work hours.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on the City's 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 City property.
- Sleeping on the job.
- Carrying weapons of any kind on the City premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other City property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential City information.
- Gambling on the City premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on the City premises, and off premises when engaged in City related business.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violation of City policies, procedures and regulations.
- Unauthorized use of computers, Internet, and email.
- Disparagement of the company or any company official whether this occurs on or off company property.
- Incompetency, inefficiency or failure to perform duties.
- Insubordination.
- Inability to perform duties.

- Chronic or excessive absenteeism or lateness.
- Conviction of a crime.
- Conduct unbecoming a public employee.
- Neglect of duty.
- Misuse of public property, including motor vehicles.
- Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment.
- Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder.
- Other sufficient cause.

B. Other sufficient cause shall include but not be limited to violations of municipal ordinances, rules and regulations, written policies, department directives or lawful orders of a superior.

§46-43 Types of Discipline.

Discipline may be in the form of major discipline or minor discipline and may include, but not be limited to, the following:

- A. Oral reprimand;
- B. Formal written reprimand;
- C. Counseling;
- D. Suspension with pay;
- E. Suspension without pay;
- F. Monetary fine;
- G. Disciplinary demotion;
- H. Removal.

§46-44 Termination of Employment.

An employee may be terminated depending upon the circumstances for any of the following offenses. All discharges will be in accordance with federal and state laws, including the New Jersey Civil Service Act as well as applicable collective bargaining agreements.

- A. Incompetence, inefficiency or failure to perform duties;
- B. Chronic or excessive absenteeism or lateness;
- C. Conviction of a crime;
- D. Conduct unbecoming a public employee;
- E. Misuse of public property, including motor vehicles;
- F. Violation of federal, state or City regulations concerning alcohol and drug use and possession;
- G. Repeated violations of City policies and procedures or rules and regulations;
- H. Falsification of public records including personnel records;
- I. Other sufficient cause.

§46-45 Motor Vehicle Accidents.

A. It is the responsibility of all City employees to exercise the utmost care and caution in the operation of City motor vehicles. When an employee is involved in a motor vehicle accident with a motor vehicle owned, leased, or under the control of the City, the employee shall be subject to discipline if it is determined that the employee was negligent in the operation of the motor vehicle and the employee's negligence was the proximate cause of the accident. Such discipline shall be administered as follows:

- (1) Formal written reprimand when it is a first offense without injury to any person and the total property damage is less than \$1,000.

- (2) One-day suspension when it is a first offense without injury to any person and the total property damage is \$1,000 or more.
- (3) Minor discipline of one day to five days' suspension for first offense involving injury to any person and for second offenses involving property damage only.
- (4) Major discipline for accidents involving serious injury to any person, second or subsequent offense involving injury to any person, and third or subsequent offenses involving property damage only.

B. Definitions.

- (1) "Injury to any person" shall mean an injury which was sustained in the motor vehicle accident and which required medical treatment.
- (2) "Serious injury to any person" shall mean an injury which was sustained in the motor vehicle accident and which required medical treatment during an admission to a hospital.
- (3) "Total property damage" shall mean the damage which was done to the City's motor vehicle together with all other damage to property of others which resulted from the motor vehicle accident.

Article 11 Driver's License

§46-46 Work Requirements; Privacy.

Any employee whose work requires the operation of City vehicles must hold a valid New Jersey State driver's license.

A. All new employees who will be assigned work entailing the operating of a City 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.

B. Periodic checks of employee's driver's licenses through visual and formal Department of Motor Vehicles review checks shall be made by department heads or division supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as a valid license is obtained.

C. Any employee performing work which requires the operation of a City vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to his/her supervisor and continues to operate a City vehicle shall be subject to possible termination.

D. Any information obtained by the City in accordance with this section shall be used by the City 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. § 2721 et seq.).

Article 12 Education and Training

§46-47 Reimbursement for Educational Expenses.

The City values the experience that each employee brings to City government. The City recognizes that continuing education is vital to the growth of the individual and the changing dynamics of the public sector. Collective bargaining agreements generally provide for reimbursement of educational expenses when the course is relevant to City business and the present or probable future duties of the employee. Courses must be outside the employee's scheduled work hours.

Records shall be maintained in the official personnel files of all employees trained under this procedure.

B. Managerial and supervisory personnel also will update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort shall be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

§46-49 Cross Training.

Employees shall be cross trained to the degree practical to provide for coverage of work activities when employees are absent due to sickness, vacation or other reasons. Cross training between departments is encouraged to provide a manpower reserve according to workload levels. If a department is in need of additional staff to work through an unusual backlog of work, the department heads shall cooperate in providing adequate manpower

Article 13 Communications Media Policy

§46-50 Purpose.

Whether or not an employee chooses to create or participate in a blog, wiki, online social network or any other form of online publishing or discussion is his or her own decision. However, the City recognizes that emerging online collaboration platforms are fundamentally changing the way individuals and organizations communicate, and this policy is designed to offer practical guidance for responsible, constructive communications via social media channels for employees.

The same principles and guidelines that apply to the activities of employees in general, as found in the City's Policies and Procedures, apply to employee activities in social media channels and any other form of online publishing.

A. The City's communication media are the property of the City 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 City, such as cell phones, smart phones, computers, electronic tablets, access to the Internet, voice mail, e-mail, and fax.

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

§46-51 Use of Communication Media.

A. The City respects the individual privacy of its employees. However, employee communications transmitted by the City'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 City. The City reserves the absolute right to access, review, audit and disclose all matters entered into, sent over or placed in storage in the City's communication media. By using the City's equipment and/or communication media, employees consent to have such use monitored at any time, with or without notice, by City personnel. The existence of passwords does not restrict or eliminate the City's ability or right to

access electronic communications. However, the City cannot require the employee to provide his/her password to his/her personal account.

B. All e-mail, voice mail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). Employees of the City are required to use the assigned municipal e-mail account for all City business and correspondence. The use of private e-mail accounts for any City business or during business hours is strictly prohibited. ~~The City of Millville reserves the right to remove employee email access at any time.~~ Employees out on sick leave, family leave or other leave shall not have access to their Municipal Email Accounts.

C. Employees can only use the City's communication media for legitimate business purposes. Employees may not use the City's communication media in any way that is defamatory, obscene, or harassing or in violation of any City 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.

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

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

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

G. 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 City. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City or licensed to the City. 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.

~~H. The City encourages employees to share information with coworkers and with those outside the City for the purpose of gathering information, generating new ideas and learning from the work of others to the extent such sharing is permitted by the City. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. However, 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 City Administrator may engage in social media activity during work time through the use of the City's Communication media, provided that as it is directly related relates to their work and it is in compliance with this policy.~~

I. Employees must not reveal or publicize confidential City 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.

J. ~~Employees are prohibited from releasing or disclosing any~~ No City 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 City Administrator. In addition photographs, pictures or digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences taken with the City'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 City Administrator. Except in emergency situations, employees are prohibited from taking digital images or photographs with media a equipment not owned by the City. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the City's communication media. If such situation occurs, the employee agrees that any images belong to the City and agrees to release the image to the City and ensure its permanent deletion from media device upon direction from the City.

K. No media advertisement, electronic bulletin board posting, or any other ~~posting~~ communication accessible via the Internet about the City or on behalf of the City, whether through the use of the City's communication media or otherwise, may be issued unless it has first been approved by the City 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 the City. Such authorized communications may result in disciplinary action.

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

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

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

§46-52 Social Media.

The City fully respects the legal rights of the employees, including their rights under the National Labor Relations Board to engage in concerted and protected activities, and any part of this policy which interferes with or "chills" the legal rights of the employees will not be enforced. In general, what you do on your own time is your affair. However, activities in or outside of work that affect job performance, the performance of others, or the City's business interests are a proper focus for the City's policy. To the extent that employees use social media outside of their employment and, in so doing, employees identify themselves as the City's employees, or if they discuss matters related to the City on a social media site, employees must:

- Add a disclaimer on the front page, stating that it does not express the views of the City, and the employee is expressing only his or her personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the City or the City's business. Employees must

keep in mind that if they post information on a social media site that is in violation of City policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

- Maintain the confidentiality of the City's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Not create a link from your blog, website or other social networking site to the City's website without identifying yourself as a City associate.
- Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the City, fellow associates or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City.

§46-53 Employee Rights of Communication.

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

§46-49 through §46-60 reserved

Article 14 Employee Complaint Policy

§46-61 Reporting Requirement.

Employees who wish to complain of harassment or any other wrongdoing in the workplace are requested to immediately report the matter to their supervisor or, if they prefer, to their department head, or the City Administrator. The supervisor, department head, city clerk or city attorney must report all written or verbal complaints to the City Administrator unless the complaint is against the City Administrator. Employees are encouraged to complain in writing using the employee complaint form and the formal complaint system, but they may make a verbal complaint at their discretion.

Complaints will be handled and investigated under the City's procedures outlined in §46-63, unless special procedures are considered appropriate. All complaints will be investigated promptly and in as impartial and confidential manner as possible; and a timely resolution of each complaint should be reached and communicated to the parties involved.

§46-62 Confidentiality and Retaliation.

An individual who reports incidents, which, in good faith, he or she believes to be violation of these policies, or who is involved in the investigation of the complaint, will not be subject to reprisal or retaliation. The City prohibits any form of retaliation against filed complaints or providing information in support of a complaint. Retaliation is a serious violation of this policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting discriminatory harassment or for participating in an investigation of allegations of such conduct will be subject to an appropriate disciplinary penalty.

The City will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

Only in the event that an employee's complaint is unreasonable, without merit, and appears to have been motivated by bad faith, will the City consider disciplining an employee who has filed a complaint.

§46-63 Procedure for Processing Complaints.

An employee who believes that he or she has been subjected to or is aware of wrongdoing in the work place shall submit a complaint to the City Administrator within 20 days from the date of the alleged incident. However, all suspicious individuals or activities should also be reported as soon as possible to the City Administrator. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening. All threats of (or actual) violence, both direct and indirect, should also be reported as soon as possible to the City Administrator. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible. The complaint shall set forth the following information:

- (1) Date of the incident;
- (2) Specific acts complained of;
- (3) Parties involved;
- (4) Names of any witnesses; and
- (5) Location of the incident.

B. Upon receipt of the complaint, the City Administrator shall advise the Commissioner in charge of the department where the complainant is employed. The City Administrator will seek the advice of the city attorney when planning the investigation. The investigation shall be conducted by the person appointed by the Commissioner in charge of the department, or by the county prosecutor, if it involves potential criminal charges. The Board of Commissioners shall designate a The person designated to investigate the complaint ~~which person~~ shall be employed outside the department where the complainant and accused are employed. In the event, however, the complaint contains allegations of harassment or any other wrongdoing against a Commissioner, the Commissioner who is the subject of the complaint shall recuse himself or herself from any involvement in the selection or designation of the person to do the investigation. The Affirmative Action Officer may be designated by the Board of Commissioners to investigate the complaint.

C. The investigator shall review the complaint and conduct interviews of the complainant, other parties involved in the incident having relevant knowledge, individual(s) accused of wrong doing, and if necessary, with individuals who may have observed the incident or conduct. The investigator also may conduct interviews of all persons who may have knowledge of relevant information about the matter. Every effort shall be made to complete the investigation within a reasonable period of time from the date when the complaint was submitted to the City Administrator.

D. A confidential written report shall be prepared by the investigator and submitted to the City Administrator, the City Attorney, and the Commissioner in charge of the department where the employee or officer who is the subject of the complainant is employed. The report shall contain the investigator's findings as to whether the complaint is justified and substantiated. If a finding is made by the investigator that the complaint is justified and substantiated, the investigator shall submit any recommendations he or she has in the report. In the event, however, the complaint contains allegations of harassment or any other wrongdoing against a Commissioner, then the report shall instead be submitted to the City Administrator, the City Attorney and the Board of Commissioners sitting in closed session. In all cases said report shall remain in the custody of the City Administrator and the persons permitted to view said document as provided in this section as well as § 46-64 below may not copy, scan, remove, reproduce or otherwise receive a hard or electronic copy thereof or any portion thereof from the Office of the City Administrator.

§46-64 Action to be taken on Complaint.

A. The Commissioner in charge of the department where the complainant is employed shall discuss the conclusions contained in the investigator's report with the City Administrator and the City Attorney and render a final decision within 14 days after the receipt of the report.

(1) Response plan-no corrective action required. If the validity of the complaint cannot be determined or the complaint is groundless, the City Administrator or City Attorney shall notify the complaining employee, in writing, of the results of the investigation.

(2) Response plan-corrective action required. If the investigation reveals that the complaint is justified and substantiated, the Commissioner in charge of the department where the complainant is employed shall formulate, with the advice of the City Administrator and the City Attorney, a corrective action plan as well as possible disciplinary action. The City Administrator or City Attorney shall notify the complaining party, in writing, of the results of the investigation.

B. In the event, however, the complaint contains allegations of harassment or any other wrongdoing against a Commissioner, then the Board of Commissioners shall discuss the conclusions contained in the investigator's report with the City Administrator and the City Attorney and render a final decision within 14 days after the receipt of the report. The Commissioner who is the subject of the complaint shall recuse himself or herself from any involvement in the hearing on the complaint and shall not be given access to the complaint or the investigator's report.

(1) Response plan-no corrective action required. If the validity of the complaint cannot be determined or the complaint is groundless, the City Administrator or City Attorney shall notify the complaining employee, in writing, of the results of the investigation.

(2) Response plan-corrective action required. If the investigation reveals that the complaint is justified and substantiated, the Board of Commissioners shall formulate, with the advice of the City Attorney, a corrective action plan. The City Administrator or City Attorney shall notify the complaining party, in writing, of the results of the investigation. Corrective action may include, but is not limited to, oral or written reprimand, referral to formal counseling, disciplinary suspension or probation, or termination of employment.

Article 15 Employment Protection

§46-65 Policy.

The City maintains a policy of complying with federal and state laws which provide employment protection for public employees and applicants seeking employment with the City. All officers and employees of the City shall act in accordance with the provisions of the following federal and state laws which provide employment protection in the workplace because a person falls within a protected class or which prohibits retaliatory actions in public employment.

§46-66 Antidiscrimination Policy.

The City is committed to the principle of equal employment opportunity and antidiscrimination 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 as amended by the New Jersey Pregnant Worker's Fairness Act (LAD).

A. Under no circumstances will the City 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), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by law.

B. 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 he/she has been treated unfairly, he/she has the right

to address his/her concern with his/her supervisor, or if he/she prefers his/her department head, City Administrator, or Personnel Administrator.

§46-67 Anti-Disability-Discrimination Policy/New Jersey Pregnant Worker's Fairness Act.

A. In compliance with the Americans with Disability Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, as amended by the New Jersey Pregnant Worker's Fairness Act (LAD),[1] the City does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The City will endeavor to make every work environment handicap accessible for individuals with disabilities, 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 ADA makes it unlawful to discriminate in all employment practices such as:

- recruitment
- pay
- hiring
- firing
- promotion
- job assignments
- training
- leave
- lay-off
- benefits
- all other employment related activities.

B. It is the policy of the City to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. The City will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. The City will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the City.

C. The City Administrator, or designee shall engage in an interactive dialogue with disabled/pregnant 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 City Administrator. Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

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 and the New Jersey Law Against Discrimination does not require the City to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

D. Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting City facilities. Any questions concerning proper assistance should be directed to the City Administrator.

E. The ADA and the New Jersey Law Against Discrimination prohibits an employer from retaliating against an applicant or employee for asserting his or her rights under the ADA the New Jersey Law Against Discrimination. The Act also makes it unlawful to discriminate against an applicant or employee, whether disabled or not, because of the individual's family, business, social or other relationship or association with an individual with a disability.

§46-68 Anti-Harassment General Policy.

A. It is the City'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 nonemployees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct.

B. If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy.

C. Harassment of any employees, in connection with their work, by nonemployees may also be a violation of this policy. Any employee who experiences harassment by a nonemployee, or who observes harassment of an employee by a nonemployee should report such harassment to the supervisor. Appropriate action will be taken against any nonemployee.

D. Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the City generally. The City 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 the attention of the appropriate officials so that steps are taken to correct them.

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

F. For purposes of this policy, discriminatory harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, gender, age, religion, national origin, disability, veteran status or any other characteristic protected by law, and that:

- creates an intimidating, hostile, or offensive work environment; or
- unreasonably interferes with an individual's work performance.

Some examples of such harassment are: using epithets or slurs; mocking, ridiculing or mimicking another's culture, accent, appearance or customs; threatening, intimidating or engaging in hostile or offensive acts based on an individual's race color, gender, religion, national origin, disability, veteran status or any other characteristic protected by law; displaying on walls, bulletin boards, or elsewhere in the City, or circulating in the workplace, written or graphic material that denigrates or shows hostility toward a person or group because of an individual's race, color, gender, age, religion, national origin, disability, veteran status or any other characteristic protected by law. The above list of examples is not intended to be all-inclusive.

§46-69 Anti-Sexual Harassment Policy.

A. It is the City's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The City prohibits sexual harassment from occurring in the workplace or at any other location at which a City-sponsored activity takes place. Sexual harassment of nonemployees by the City's 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.

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

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

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

(3) 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.

C. Regarding unwelcome sexual advances toward nonemployees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

(1) Submission to such conduct is made either explicitly or implicitly in exchange for a benefit.

(2) Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or

(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

D. Sexual harassment may include threatening or taking adverse employment action, such as discharge or demotion, if sexual favors are not granted, unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or physical conduct (touching, assault, impeding or blocking movements). The above list of examples is not intended to be all inclusive.

E. If an employee is witness to or believes that the employee has experienced sexual harassment, he/she must immediately notify his/her supervisor or other appropriate person. See the Employee Complaint Policy.

F. Harassment of City employees, in connection with their work, by nonemployees may also be a violation of this policy. Any employee who experiences harassment by a nonemployee or who observes harassment of an employee by a nonemployee should report such harassment to his/her supervisor. Appropriate action will be taken against any nonemployee.

G. Notification by the employee to appropriate personnel of any harassment problem is essential to the success of this policy and the City generally. The City cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that the steps necessary to correct them can be taken.

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

I. Consensual romantic and/or sexual relationships between a manager or supervisor, and non-managers or supervisors, or between an employee with supervisory authority and his or her subordinate, will compromise the City's ability to enforce its policy against sexual harassment. Consequently, if such relationships arise they will be considered carefully by the City, and appropriate action will be taken. Such action may include a change in the responsibilities of the individuals involved in such relationships or transfer of location within the facility to diminish or eliminate the supervisory relationship and workplace contact that may exist. Any manager or supervisory employee involved in such a relationship is required to report the relationship to the City Administrator.

§46-70 Conscientious Employee Protection Act (CEPA) Complaints.

A. 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 acknowledgment 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.

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

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

(2) 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.

(3) 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. Before an employee can disclose or threaten to disclose an unlawful activity, policy or practice to a public body, the employee must serve written notification of the activity, policy or practice upon the employer, and allow the employer a reasonable opportunity to take corrective action. An employee shall serve such written notification upon the following individual: *City Administrator*.

"Retaliatory action" is broadly defined under CEPA as, "discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment."

Simply put, this means any adverse action affecting the employee's ability to work. Termination and discipline are easy to understand. The last part of the definition is a wide-encompassing provision that allows adverse actions to be decided on a case-by-case analysis depending on multiple factors that can make up an adverse action.

C. In accordance with the statute, the employee must bring the violation to the attention of the City Administrator, or other person designated by the City.

(1) However, disclosure is not required where:

- (a) The employee is reasonably certain that the violation is known to one or more officials;
- (b) Where the employee reasonably fears physical harm; or
- (c) The situation is emergent in nature.

(2) Employees are encouraged to complain in writing using the Employee Complaint Form. See Employee Complaint Policy.

D. Under the law, the employee must give the City a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Article 16 Leaves of Absence

§46-71 Administrative Leave.

A. Employees are entitled to personal days off each calendar year in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Requests for administrative leave must be approved by the department head, or his or her designee. Except in the case of an emergency, requests for leave must be submitted at least 24 hours in advance of the time when the leave is to be taken. Use of administrative leave shall not be unreasonably denied. Priority in granting such leave requests shall be:

- (1) Emergencies.
- (2) Religious holidays.
- (3) Personal matters.

B. Administrative leave shall be credited at the beginning of each calendar year in anticipation of continued employment. Administrative leave that is not used during the calendar year shall be forfeited. An employee who leaves employment with the City shall not be required to reimburse the City for days already used. However, administrative leave shall not accrue after the last day of employment, nor shall it accrue during a leave of absence without a pay or a suspension without pay.

§46-72 Athletic Competition Leave.

Employees are entitled to athletic competition leave with pay in accordance with N.J.S.A. 40A:9-7.1. Requests for such leave must be made in writing to the City Clerk and approved by the Commissioner in charge of the Department. The request for leave must be accompanied with a letter from the coach indicating that the employee has qualified for the team and the dates when training and competition will take place. The request for leave must be submitted within a reasonable time after the employee learns he or she has qualified for the team and before the time when the leave is to be taken.

§46-73 Bereavement Leave.

Employees are entitled to bereavement leave in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Employees shall immediately notify their department head, or his or her designee, when a death has occurred and the date set for the funeral. ~~“Immediate relative” includes spouse or significant other, civil union partner, 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.~~

§46-74 Compensatory Leave.

A. Employees are entitled to overtime compensation in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Requests for compensatory time off must be approved by the department head, or his or her designee. Except in the case of an emergency, requests for leave must be submitted at least 24 hours in advance of the time when the leave is to be taken. Use of compensatory leave shall not be unreasonably denied.

B. Employees engaged in a public safety activity or an emergency response activity may accrue not more than 480 hours of compensatory time. Employees engaged in any other work may accrue not more than 240 hours of compensatory time. An employee shall, upon the termination of employment, be paid for the unused compensatory time.

C. Overtime work shall be kept to a minimum, and except in cases of emergency, must be authorized in advance by the department head. Department heads shall rotate overtime assignments on an equitable basis among those qualified to perform the necessary work. It is the policy of the City to approve compensatory time off rather than to pay cash overtime compensation whenever possible, unless the collective bargaining agreement provides otherwise.

§46-75 Convention Leave.

Employees are entitled to convention leave in accordance with N.J.A.C. 4A:6-1.13. Requests for convention leave must be approved by the Commissioner in charge of the department. Requests for such leave must be made at least 30 days in advance of the time when the leave is to be taken.

A. Permanent employees. A permanent employee who is a duly authorized representative of one of the established veterans organizations listed in N.J.S.A. 38:23-2 or of the New Jersey Civil Service Association shall, upon request, be granted a leave of absence with pay of up to five days in any calendar year to attend the State and National Convention. The leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention, but shall not exceed five days. Proof of attendance shall be submitted to the Commissioner in charge of the department after the convention, and filed in the office of the City Clerk.

B. Police and fire. N.J.S.A. 11A:6-10 provides for a leave of absence with full pay to public employees who are duly authorized representatives of an employee organization and affiliated with the New Jersey Policemen's Benevolent Association, Inc., Fraternal Order of Police, Firemen's Mutual Benevolent Association, Inc., or the Professional Firefighters Association of New Jersey to attend any state or national convention of the organization subject to the limitations contained in the statute. The leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention, provided that such leave shall be for no more than seven days. Proof of attendance shall be submitted to the Commissioner in charge of the department after the convention, and filed in the office of the City Clerk.

C. Other convention leave. Except as may be mandated by state law, request for a leave of absence with pay to attend a convention dealing with subject matter directly related to the employee's official duties may be approved in the sole discretion of the Commissioner in charge of the department. If the leave of absence is granted, proof of attendance shall be submitted to the Commissioner in charge of the department after the convention and filed in the office of the City Clerk.

§46-76 Elected Office Leave.

Employees are entitled to elective office leave in accordance with N.J.S.A. 40A:9-7.2 and N.J.A.C. 4A:6-1.17. Requests for such leave must be made in writing to the City Clerk and approved by the Commissioner in charge of the department. The request for leave must be submitted within a reasonable time before the time when the leave is to be taken.

§46-77 Family Medical Leave Act.

A. Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA").^[2] Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA").^[3] In order to be eligible for such leave, employees must have one year of service with the City, and at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for federal leave) during the previous 12 months, and be 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 12 weeks of leave per year (FMLA) and up to 26 weeks of leave in any 12-month period in compliance with the expansion of FMLA under The Support for Injured Service members Act of 2007, or 12 weeks every 24 months (FLA).

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

C. Upon written notice, eligible employees are entitled to a family or medical leave for up to 12 weeks to care for a newly born or adopted child or a seriously ill immediate family member, including a 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. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition, which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition. Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Personnel Officer. Eligible employees who take leave under this policy must use all accrued available sick, 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.

D. The period of leave must be supported by a physician's certificate. The employee must respond to such a request within 15 days or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Medical Certification Form through the New Jersey Department of Labor. Request for a medical certificate must be made in writing as part of the employer response to employee request for leave. Certification of the serious health condition shall include the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's position. For a family member who is seriously ill, the certification must include a statement that the patient, the family member, requires assistance and that the employee's presence would be beneficial or desirable. If the employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment as well as a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

An extension past 12 weeks can be requested, but a medical verification explaining the need for such an extension must be submitted prior to the expiration of the leave. The City reserves the right to deny any request for extended leave.

Additional information concerning the family leave policy and eligibility requirements are available from the City's Personnel Officer.

E. Commencing July 1 2009, family temporary disability ("FTD") payments for up to six weeks in a twelve-month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1,000 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 shall also be required to use accrued sick, vacation or personal leave for up to two weeks.

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

G. Employees may also be eligible for an unpaid leave for up to 26 workweeks in a year to care for a family member on active duty in the military or a covered veteran (A covered veteran is an individual who was discharged or released under conditions other than a dishonorable discharge 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 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, a close member of his/her family must attend to childcare matters or attend to financial and/or legal matters or counseling. A "serious injury or illness" means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. Employees requesting this type of Service member FMLA leave must provide documentation of the family member's or next-of-kin's injury, recovery or need for care. This documentation may be a copy of the military medical information, orders for treatment, or other official Armed Forces communication pertaining to the service member's injury or illness incurred on active military duty that renders the member medically unfit to perform his or her military duties.

H. Serious injury or illness.

(1) 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:

(a) 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 service member unable to perform the duties of the service member's office, grade, rank, or rating; or

(b) 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% or greater, and the need or military caregiver leave is related to that condition; or

(c) 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

(d) An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(2) 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.

I. Upon an employer's request, an employee must provide a copy of the covered military member's active duty orders to support the 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:

(1) A statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;

(2) The approximate date on which the qualifying exigency commenced or will commence;

(3) Beginning and end dates for leave to be taken for a single continuous period of time;

(4) An estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced-schedule basis or intermittently; and

(5) If the qualifying exigency requires meeting with a third party, the contact information for the third party and a description of the purpose of the meeting.

J. 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.

K. Employees who request qualifying exigency leave to spend time with a military member on rest and 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.

L. 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 victims of domestic violence or sexual assault. Employees are entitled to 20 days of unpaid protected leave from work to:

(1) Seek medical attention for physical or psychological injuries;

(2) Obtain services from a victim services organization; pursue psychological or other counseling;

(3) Participate in safety planning for temporary or permanent relocation;

(4) Seek legal assistance to ensure health and safety of the employee or the employee's relative; or

(5) Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

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

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

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

O. 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 City 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.

P. The City 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."

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

§46-78 Gubernatorial Appointment Leave.

Employees are entitled to gubernatorial appointment leave without pay in accordance with N.J.A.C. 4A:6-1.12. Requests for such leave must be made in writing to the City Clerk and approved by the Commissioner in charge of the department. The request for leave must be submitted within a reasonable time before the time when the leave is to be taken.

§46-79 Holiday Leave.

A. Employees are entitled to holiday leave in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Any department head who finds it necessary to do so may require some or all employees of his or her department to report for work on any legal holiday.

B. Holiday leave shall not be paid for holidays occurring before the first day of employment with the City, nor for holidays occurring after the last day of employment with the City. An employee ceases employment with the City upon death, retirement, resignation or termination. Holiday leave shall not be paid for holidays occurring during a leave of absence without pay or during a suspension without pay.

§46-80 Injury Leave.

An employee who is disabled due to a compensable work-connected injury or illness shall be entitled to a leave of absence with pay for the period of time that he or she is unable to return to work and is eligible for workers' compensation temporary disability benefits subject to the maximum time authorized in the collective bargaining agreement and permitted by state law. The examining physician designated and compensated by the City must certify to the disability and the injury or illness as required by state law.

A. The City provides workers' compensation insurance as required by state law for employees sustaining injuries or illnesses arising out of and during the course of employment.

B. When an employee receives workers' compensation checks for temporary disability benefits for the period of time he or she is paid injury leave, he or she shall sign over the workers' compensation checks to the City upon receipt, or the employee shall be liable to the City for the payment of those moneys.

C. When an employee receives temporary disability payments pursuant to the Temporary Disability Benefits Law, N.J.S.A. 43:21-25 et seq., for the period of time he or she is paid injury leave, he or she shall sign over those payments to the City upon receipt, or the employee shall be liable to the City for the payment of those moneys.

§46-81 Jury Duty Leave.

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees who receive a summons to report for jury duty must notify their supervisor immediately so that arrangements may be made to cover your absence from work. In some cases the City may provide a letter to the court requesting that jury service be postponed. Of course, employees are expected to report for work whenever the court schedule permits.

Either the City or the employee may request an excuse from jury duty if, in the City's judgment, the employee's absence would create serious operational difficulties. It is the decision of the courts to excuse or not excuse the request.

Employees who are required to serve jury duty that is scheduled during work hours shall be paid their regular rate of pay by the City. Employees who are summoned for service as grand or petit jurors are required to submit a copy of the summons to the City Clerk. Employees who attend jury service shall provide written verification of attendance signed by a representative of the Court to the City Clerk. Employees must report for work for any reasonable time the court is not in session during normal work hours.

§46-82 Military Leave.

The Uniformed Services Employment and Reemployment Rights Act ("USERRA"), 38 U.S.C. 4301, et seq., applies to all employers, regardless of size, including foreign employers doing business in the U.S. USERRA requires all employers to grant a leave of absence for up to 5 years to any person who is absent from a job because of uniformed service. USERRA applies to leaves of absence for all categories of military duty except "State Active Duty," or Governor "call ups," which are protected under N.J.S.A. 38:23C-20a. USERRA only requires the leave of absence; pay for military members is discretionary with each public and private entity. Requests for military leave must be approved by the Commissioner in charge of the department. Such requests shall be accompanied with the documents required by state regulations which include the military orders received by the employee.

A. N.J.S.A. 38A:4-4 provides for a leave of absence with full pay to a public employee who is a state reservist as follows: for the entire time while engaged in state active duty; and for up to 90 work days each calendar year while engaged in active duty for training or federal active duty. Thereafter, the leave of absence shall be without pay but without loss of time.

B. N.J.S.A. 38:23-1 provides for a leave of absence with full pay to a public employee who is a federal reservist for up to 30 work days each calendar year when engaged in any period of federal active duty. Thereafter, the leave of absence shall be without pay but without loss of time.

C. N.J.S.A. 38:23-3 authorizes a municipality, but does not require it, to provide a leave of absence with differential pay to a public employee during the time that the employee is engaged in a branch of the military or naval service of the national or state government. If the leave of absence is

authorized by the governing body of the City, the public employee must provide copies of his or her military pay stubs or other written documentation which provides clear and convincing proof of the military pay he or she will receive or is receiving. This documentation shall be provided to the City Clerk and to the chief executive officer of the department where the employee works before any differential pay will be paid by the City.

D. N.J.S.A. 38:23-4 provides for a leave of absence without pay to a public employee who enters military service in time of war or emergency, or for any period of training, or pursuant to any selective service system. The employee shall be entitled to the leave for the period of the service and three months after honorable discharge. If the employee is incapacitated, an extended period is authorized by state law.

§46-83 Sick Leave.

Employees are entitled to sick leave in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Requests for sick leave must be reported to the department head, or his or her designee, on a daily basis.

A. Annual paid sick leave is credited at the beginning of each calendar year in anticipation of continued employment. Continued employment shall mean employment without interruption due to death, resignation, retirement or removal. Paid sick leave shall not accrue after the last day of employment with the City, nor shall it accrue during a leave of absence without pay or a suspension without pay. Unused sick leave shall accumulate from year to year without limit.

B. Sick leave may be used by employees who are unable to work because of personal illness or injury, exposure to contagious disease, care for a reasonable period of time for a seriously ill member of the employee's immediate family, or death in the employee's immediate family for a reasonable period of time.

C. The department head shall certify to the City Clerk any sick leave allowance made in each month.

D. A department head, or the Commissioner in charge of the department, may require proof of illness or injury when there is a reason to believe that an employee is abusing sick leave, an employee has been absent on sick leave for five or more consecutive workdays, or an employee has been absent on sick leave for an aggregate of more than 15 days in a twelve-month period. Proof of illness or injury shall consist of a note, letter or report from the treating doctor which indicates the nature of the medical condition, the date of first treatment, and the date when the employee is expected to return to work. The City reserves the right to obtain a medical report from the treating physician, at its expense, which indicates the nature and extent of the employee's medical condition, the prognosis for partial or complete recovery, the limitations, if any, on the performance of employment duties, and any other information relevant to employment. The employee shall cooperate in securing the report.

E. When an illness is of a chronic or recurring nature causing occasional absences of one day or less, one proof of illness shall be required for every six-month period. The proof of illness must specify the nature of the illness and that it is likely to cause periodic absences from employment.

F. In the case of sick leave due to exposure to a contagious disease, death in the employee's immediate family, or the care of a seriously ill member of the employee's immediate family, reasonable proof may be required by the department head or the Commissioner in charge of the department.

G. The department head, or the Commissioner in charge of the department, may require an employee who has been on sick leave to be examined by a physician designated and compensated by the City as a condition of the employee's continuation of sick leave or return to work. Such an examination shall establish whether the employee is capable of performing his or her work duties

and whether return to employment would jeopardize the health of the employee or that of other employees.

H. Failure to follow the sick leave notification and verification procedures shall result in a denial of sick leave for the specific absence from work, may be considered an abuse of sick leave, and may constitute cause for disciplinary action.

(1) An employee reporting off from work requesting sick leave shall notify his or her department head, or their designee, before the scheduled work day begins.

(2) An employee requesting sick leave must have accumulated sick leave on the books of the City to be eligible for authorized sick leave.

(3) When an employee fails to comply with the sick leave notification and verification procedures, the absence from work shall constitute an unauthorized leave of absence without pay.

§46-84 Temporary Leave of Absence Without Pay.

The Commissioner in charge of the department may grant a permanent employee a leave of absence without pay for a period not to exceed one year. Requests for such leave must be submitted at least 30 days in advance of the time set for taking it, and shall not be approved for a period longer than six months at one time. The Commissioner may extend the leave for an additional six months or any portion thereof. The Commissioner may permit an employee to return from a leave of absence without pay prior to its conclusion. Such leave will be granted only after the employee has used all of his or her accumulated administrative leave, compensatory leave, sick leave and vacation leave in the case of illness, or all of his or her accumulated administrative leave, compensatory leave and vacation leave if the requested leave is for other than illness.

§46-85 Union Leave; Restrictions on Union Meetings.

A. A permanent employee who has been elected or appointed an official of the employee's union may be granted a leave of absence without pay to conduct union business for the maximum period authorized in the collective bargaining agreement. Requests for union leave must be approved by the Commissioner in charge of the department, and filed in the office of the City Clerk. Requests for such leave must be submitted at least 30 days in advance of the time set for taking it.

B. Except as expressly authorized in the collective bargaining agreement, no union meetings or union activities shall be conducted during the regularly scheduled workday of an employee.

§46-86 Vacation Leave.

Employees are entitled to vacation leave in accordance with the collective bargaining agreement and the rules and regulations applicable to them. Requests for vacation leave must be approved by the Commissioner or his or her designee. Requests for leave in excess of three days but less than six days shall be submitted at least 10 working days in advance of the time when the leave is to be taken. Requests for leaves in excess of five days shall be submitted at least 15 working days in advance of the time when the leave is to be taken.

A. Annual paid vacation leave is credited at the beginning of each calendar year in anticipation of continued employment based on the employee's years of continuous service. Continued employment shall mean employment without actual interruption due to death, resignation, retirement or removal. Paid vacation leave shall not accrue after the last day of employment with the City, nor shall it accrue during a leave of absence without pay or a suspension without pay.

B. Vacations shall be scheduled for the period requested by the employee, provided such arrangements are consistent with work requirements. Preference and assignment of vacations shall be on the basis of seniority in so far as it is practicable. Vacation leave may be approved for 1/2 of a workday or a full workday, but not for an hour or other fractional time periods.

C. Vacation leave not used in a calendar year because of business necessity shall be used during the next succeeding calendar year only and shall be scheduled to avoid loss of leave.

D. Vacation schedules shall be arranged to maintain essential City services. This shall be the responsibility of the department head or his or her designee. Factors such as staff size and work load must be considered when scheduling vacations.

E. Every effort shall be made to insure that manpower requirements are met and that the two senior supervisors of the department are not scheduled for vacation leave at the same time in order to maintain the continuity of leadership and the operational efficiency of the department.

§46-87 Witness Appearance Leave.

Permanent employees are entitled to a leave of absence with pay to appear as a party or a witness before an administrative or judicial body, or a legislative committee when such appearance is directly related to his or her official duties with the City. If an employee appears as a party or witness on his or her normal day off, the employee shall be compensated as required by the terms of the collective bargaining agreement.

A. When the appearance before an administrative or judicial body is not directly related to the employee's official duties with the City, the employee shall be granted a leave of absence without pay when subpoenaed as a witness in a legal proceeding, or when an employee is a party to the litigation.

B. An employee is entitled to a leave of absence with pay to attend his or her workers' compensation proceeding.

C. Requests for such leave must be made in writing to the City Clerk and approved by the department head in charge of the department. If the request is being made by a department head, the requested leave must be approved by the Commissioner in charge of the department.

§46-88 Abuse of Leaves of Absence.

A. An employee shall not abuse paid leaves of absence. A department head, or his or her designee, shall not knowingly approve a paid leave of absence which will result in its abuse.

B. An employee shall not utilize a paid leave of absence and then perform duties for the City during the same time period for which the employee receives monetary compensation.

C. Except in the case of a personal emergency, a department head, or his or her designee, shall not knowingly approve a paid leave of absence such as administrative leave, compensatory leave or vacation leave for an employee when business necessity requires those job responsibilities to be performed by another employee who will receive overtime compensation.

D. This section does not restrict the right of a department head, or his or her designee, from requiring an employee who is on a paid leave of absence to report for work to perform essential services which are required because of an emergency or business necessity. However, the paid leave of absence stops at the time when the employee reports for work and does not resume until the essential services are completed.

Article 17 Nepotism

§46-89 Purpose

It is the intent of this policy to avoid the appearance of a conflict of interest either on the part of a member of the Board of Commissioners or a member of the administrative staff. Unless otherwise

provided by law or New Jersey Department of Personnel Civil Service Commission rule, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

§46-90 Relative Defined

For purposes of this policy, a relative by blood or marriage is defined as a spouse, father, father-in-law, stepfather, mother, mother-in-law, stepmother, son, son-in-law, stepson, daughter, daughter-in-law, stepdaughter, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister. Additionally, members of the immediate household shall be considered a relative even though not related by blood or marriage.

§46-91 Relative of an Administrator

No person who is a relative of an administrator shall be appointed to a position with the City that is in a line relationship involving direct supervision and evaluation of the position by the administrator. The administrator whose relative is seeking employment with the City shall not participate in that portion of any meeting where the proposed appointment is discussed. An administrator with the City shall be those persons who are in the Administration Unit and who are covered by the employment agreement between the City of Millville and the Administration Unit.

§46-92 Relative of a Commissioner

Unless the appointment is a nondiscretionary appointment, no person who is a relative of a Commissioner shall be appointed to employment with the City in a department under the control or supervision of the Commissioner. In the event a relative of a Commissioner seeks employment with the City in a different department, then the employment application shall be reviewed by the Personnel Committee and a recommendation made to the remaining Commissioners who may make the appointment by majority vote at a public hearing subject to N.J.S.A. 40:72-4 and 40:72-5. The Commissioner whose relative is seeking employment shall not participate in that portion of any meeting where the proposed appointment is discussed.

Article 18 Outside Employment

§46-93 Conditions Under Which Outside Employment Permitted

Full-time employees of the City may engage in outside employment if:

- A. The employee maintains the City as his or her primary employer;
- B. The employment does not conflict with his or her duties or position as an employee of the City, including the employee's availability to work call-in situations when the job responsibilities require that availability.
- C. The outside employment does not create a conflict of interest with the City employment; and
- D. The employee does not perform outside work during his or her regularly scheduled work hours with the City.

Article 19 Performance Evaluations

§46-94 Purpose

The purpose of the employee performance evaluation is to provide probationary employees with timely reports of their progress and allow for correction of deficiencies. ~~to provide all employees with positive recognition of abilities and strengths and an opportunity to improve deficiencies, to provide an ongoing performance record which may become part of the documentation used in making personnel decisions, to provide employees with an opportunity to discuss ways and means for improvement, and to cause current job descriptions to be reformulated or maintained.~~

~~Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.~~

- ~~**Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.~~
- ~~**Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employees understanding of job requirements. Refer to the job description as appropriate.~~
- ~~**Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.~~
- ~~**Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. Employees who are not performing at a satisfactory level will be given an opportunity to improve their performance based on an improvement plan. The length of time for performance improvement will be based on the impact of the employee's performance on operations.~~
- ~~**Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.~~

§46-95 Frequency of Evaluations

Department heads shall evaluate probationary employees a minimum of three times during the working test period and provide a written recommendation to the Commissioner in charge of the department indicating whether the employee should be retained.

§46-96 Termination at end of Working Test Period

The City shall comply with N.J.A.C. 4A:2-41 et seq. if an employee is terminated from service or returned to his or her former permanent title at the conclusion of a working test period due to unsatisfactory performance.

Article 20 Personnel Records*§46-97 Maintenance of Records*

The official personnel file for each employee shall be maintained by the City Administrator. 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.

§46-98 Employee Review

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

§46-99 Confidential Records

Personnel files do not contain confidential employee medical information. Any such information that the City 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.

§46-100 Public Records

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

- A. In response to a valid subpoena, court order or order of an authorized administrative agency.
- B. To an authorized governmental agency as part of an investigation of the City's compliance with applicable law.
- C. To the City's agents and attorneys, when necessary.
- D. In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the City are parties.
- E. In a workers' compensation proceeding.
- F. To administer benefit plans.
- G. To an authorized health care provider.
- H. To first aid or safety personnel, when necessary.
- I. To a potential future employer or other person requesting a verification of employment.

Article 21 Political Activity*§46-101 Policy*

Except as otherwise provided by state law, rule or regulation, employees have exactly the same right as other citizens 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 City time, equipment or supplies in any political activity. Any violation of this policy must be reported to the City Administrator.

Article 22 Residency Requirement*§46-102 Appointment*

All applicants for initial appointment to an employment position with the City, including policemen and firemen, shall be residents of the City of Millville and must maintain continuous residency within the City of Millville from the announced closing date of the ~~Department of Personnel~~ Civil Service Commission examination up to and including the date of appointment.

§46-103 Classification of Qualified Applicants

The following classifications for duly qualified applicants for employment with the City of Millville is hereby established:

- A. Residents within the City of Millville.
- B. Residents within the County of Cumberland.
- C. Residents within the State of New Jersey.
- D. All other qualified residents.

§46-104 Appointment in Class Order

The City shall first appoint all those in Class A and then those in each succeeding class in the order above listed, and shall appoint a person in any such class only to a vacancy or vacancies remaining after all qualified applicants in the preceding class have been appointed or have declined an offer of appointment.

§46-105 Special Skills

The City reserves the right to hire or appoint without reference to the residency requirement any officer or employee with special talents or skills necessary for the operation of government.

Article 23 Resignations*§46-106 Notice*

Employees may resign in good standing by giving the Commissioner in charge of their department, or their department head, at least 14 days' written notice. If an employee resigns without submitting the required notice, he or she shall be held as having resigned not in good standing.

§46-107 Absent From Duty

Any employee who is absent from duty for five or more consecutive workdays without just cause or an approved leave of absence shall be considered to have abandoned his or her position and shall be held as having resigned not in good standing.

§46-108 Failure to Return to Duty

Any employee who has not returned to duty for five or more consecutive workdays following an approved leave of absence shall be considered to have abandoned his or her position and shall be held as having resigned not in good standing.

Article 24 Risk Management Loss Control Plan*§46-109 Adoption of Plan; Annual Review*

A. The City has adopted a Risk Management Loss Control Plan which is designed to minimize the risk of losses due to accidents and injuries. The plan is also designed to provide a healthy and safe environment free from any recognized hazards. Written copies of the plan shall be distributed to all department heads. City employees shall cooperate with the implementation of the plan.

B. This plan shall be reviewed on an annual basis by the department heads and recommended modifications shall be reviewed and adopted by the governing body as required

Article 25 Safety*§46-110 Policy*

The City will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The City is equally concerned about the safety of the public.

§46-111 Training and Rules

Consistent with this policy, employees shall 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.

§46-112 Reporting Requirements

Any occupational or public unsafe act, condition, practice or procedure must be reported to the supervisor or department head. Any work-connected accident or accident involving City equipment, facilities or motor vehicles also shall be reported immediately. The City 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.

Article 26 Smoking*§46-113 Policy*

The New Jersey Legislature has declared that in all government buildings the rights of nonsmokers to breathe clean air supersedes the rights of smokers. In accordance with state law, the City has adopted a smoke-free policy for all buildings. City facilities shall be smoke-free, and no employee or visitor shall be permitted to smoke anywhere inside City buildings. Employees are permitted to smoke outside City buildings at such locations so as not to allow the reentry of the smoke into the building entrances. Smoking inside vehicles owned by the City and near equipment that may be sensitive to smoke is also prohibited. Any violation of this policy shall constitute grounds for disciplinary action.

Article 27 Temporary Modified Duty*§46-114 Purpose*

The purpose of this policy is to establish uniform standards throughout City government for temporary modified duty. Temporary modified duty within a department of government shall be available to full-time permanent public employees on a fair and equitable basis under the conditions set forth herein when a public employee has a qualified disability that prevents the employee from performing his or her regular job with the City.

§46-115 Definitions

As used in this article, the following terms shall have the following meanings unless the context clearly indicates otherwise.

ADA

The Americans with Disabilities Act, 42 USC 12101 et seq., which provides federal protection from employment discrimination for individuals with qualified disabilities.

CHIEF EXECUTIVE OFFICER

The Commissioner in charge of a department of government except the Fire Department and the Police Department. The Fire Chief and the Police Chief are the chief executive officers of their respective Departments.

DEPARTMENT HEAD

The highest ranking civil service employee, statutory employee, or appointee who is in charge of a subordinate department of City government, such as the Tax Assessor or the Tax Collector.

DISPARATE TREATMENT

That employees who are not disabled are treated more favorably than a disabled employee.

LAD

The Law Against Discrimination, N.J.S.A. 10:5-1 et seq., which provides state protection from employment discrimination for individuals with qualified disabilities. The New Jersey Department of Labor has promulgated regulations that explain that a place of public accommodation must make reasonable modifications to its policies, practices or procedures to ensure that people with disabilities have access to public places. The regulations also explain that under the LAD, these

reasonable accommodations may include actions such as providing auxiliary aides and making physical changes to ensure paths of travel.

The LAD prohibits discrimination in all aspects of the employment life cycle, including but not limited to the following:

- ♣ Recruitment
- ♣ Interviewing
- ♣ Hiring
- ♣ Promotions
- ♣ Benefits administration
- ♣ Salary plans
- ♣ Performance improvement plans
- ♣ Job reviews
- ♣ Application of policies and procedures
- ♣ Discipline
- ♣ Termination

MAXIMUM MEDICAL IMPROVEMENT

The point at which the authorized medical provider or authorized examining physician determines that the condition resulting from the injury or illness is stable, additional medical treatment or physical therapy will not improve the patient's condition, or the patient has reached the medical plateau of recovery.

PERMANENT DISABILITY

A condition that exists in a disabled employee that is likely to last for an indefinite period of time or throughout the remainder of the life of the employee.

QUALIFIED DISABILITY

A handicap disability as defined under the ADA or the LAD.

REASONABLE ACCOMMODATION

An accommodation provided to an employee with a qualified disability that permits the employee to perform all of the essential functions of his or her job but does not impose an undue hardship on the operation of the employer's business. Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

TEMPORARY DISABILITY

A condition that exists in a disabled employee that is likely to last until the employee has reached the maximum medical improvement.

§46-116 Reasonable Accommodation

A. A public employee with a qualified disability who can perform all of the essential functions of his or her job with the City, with a reasonable accommodation, shall be permitted to return to his or her job with the City as required by federal and state law.

B. A public employee with a qualified disability who cannot perform all of the essential functions of his or her job with the City, even with a reasonable accommodation, shall not be permitted to return to his or her job with the City, but the public employee shall be eligible for temporary modified duty if he or she is capable of performing the job that is available and is otherwise qualified.

§46-117 Available Positions

A. The chief executive officer of a department of government does not have the authority to create a position of employment that does not already exist within the department or to fill a vacant position that does exist if the work is not necessary for the efficient operation of the department or to fill a vacant position that does exist if there are not adequate funds available in the budget of the department to compensate the employee filling the position.

B. Where a department of City government has a vacant position available and there is a need within the department to fill the position and adequate funds are available within the budget of the department to compensate the employee, a public employee with a qualified disability shall be eligible to return to work to perform temporary modified duty if the employee is capable of performing the job and is otherwise qualified.

§46-118 Time Restrictions

A. Temporary modified duty within a department of government shall not extend beyond a six-month period of time.

B. Temporary modified duty within a department of government shall end before the expiration of the six-month period of time if the employment position is filled by a permanent employee or the work is no longer needed by the department or if there are insufficient funds available within the budget of the department to continue to pay the salary of the employee.

§46-119 Assignments

A. Nothing contained herein shall be interpreted to guarantee temporary modified duty for any public employee who is eligible for such duty. The chief executive officer of each department of government has the authority to assign personnel and reassign personnel within the department in accordance with his or her judgment as to what work is necessary to maintain the efficient operation of the department and who is best qualified to perform the available jobs within the department. During the process of evaluating the qualifications of available personnel the chief executive officer shall consider competence, conduct, performance, and other reasonable standards. No public employee shall receive disparate treatment because of his or her qualified disability.

B. The commissioner in charge of the department or the department head reserves the right to obtain a medical report from the treating physician, at the City's expense, which indicates the nature and extent of the employee's medical condition, the prognosis for partial or complete recovery, the work restrictions, if any, and any other information relevant to returning to work. The employee shall cooperate with the City in securing the report.

C. The commissioner in charge of the department or the department head reserves the right to require the employee to be examined by a physician designated and compensated by the City as a

condition of the employee's return to work. The employee shall cooperate with the City in having the examination and securing the report.

Article 28 Transitional Duty

§46-120 Purpose

To establish guidelines and procedures for giving transitional duty assignments to an employee who is recovering from a work-related injury or illness and has been given temporary physical work restrictions by an authorized medical provider. ~~The City will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness.~~

§46-121 Delegation of Responsibility

Throughout this procedure, the designation "Transitional Duty Coordinator" has been used to signify the individual with the ultimate decision making authority in this process. As with many other personnel processes, the Transitional Duty Coordinator may delegate this responsibility to a designee as deemed appropriate.

§46-122 General Information Regarding Transitional Duty Assignments

A. Transitional duty is an opportunity, provided at the sole discretion of the Transitional Duty Coordinator, for an employee to remain in the workforce while recuperating from a work-related injury or illness. The program benefits both the employee and employer by saving employee leave, accelerating recovery and reducing claim costs. If an employee with work-related restrictions refuses transitional duty without a verifiable medical cause, the employee's benefits under workers' compensation may be adversely affected.

B. The Transitional Duty Coordinator should evaluate the work restrictions of employees injured on the job to determine if the employee can be assigned transitional duty. The work restrictions must be in written form from the authorized medical provider and must clearly describe the physical restrictions and limitations related to performing transitional job duties. If the Transitional Duty Coordinator has questions or needs clarification, he or she should discuss the restrictions with the authorized medical provider and the Claims Administrator before making the transitional duty assignment.

C. The Transitional Duty Coordinator's decision to make and/or continue a transitional duty assignment should take into consideration the employee's work restrictions including employee's knowledge, skills, abilities, safety of the motoring public, other employees and the general public and the availability of work benefitting the department.

D. A transitional duty assignment is temporary in nature. It may be a combination of various unrelated job tasks. The assignment also does not need to be for a full forty-hour workweek. Depending upon the nature of the injury or illness, transitional duty may last from one week to two months.

E. The Transitional Duty Coordinator should make transitional duty assignments with the goal of returning the employee to full duty as soon as possible. This may require the addition of or adjustments to duties included in the assignment as the employee's medical condition progresses. When a department is unable to assign suitable work, other departments may be contacted to determine if a suitable work assignment can be identified.

F. The authorized medical provider must submit a status report to the Transitional Duty Coordinator and Claims Administrator after each employee visit; noncompliance with this process should be reported to the Claims Administrator immediately. The Transitional Duty Coordinator

should review the transitional duty assignment after each visit with an authorized medical provider and, if advantageous for the employee and the department, allow the assignment to continue until maximum medical improvement (MMI) is reached or until the employee is released to full duty.

G. The Transitional Duty Coordinator will implement Family Medical Leave Act (FMLA) procedures in accordance with local policies if he/she becomes aware that an employee injured on the job meets the stated criteria for designation.

H. Employees will be paid in accordance with applicable policies, salary ordinances and bargaining agreements while on Transitional Duty. No overtime will be authorized unless the employee is expressly given permission by the department head. All overtime assignments must be approved in advance by the department head and must be in accordance with the transitional duty assignment set forth by the authorized medical provider.

I. Where appropriate, the employee's time card should be maintained by the department to which the employee is regularly assigned.

J. The Transitional Duty Coordinator should notify upper management and the Claims Administrator if he or she becomes aware that an injured employee may have permanent medical restrictions. Permanent restrictions should be handled differently from temporary restrictions. Permanent restrictions may also be considered as a qualified disability under the ADA.

§46-123 Making Transitional Duty Assignments

Making transitional duty assignments is the joint responsibility of the employer, Claims Administrator and managed care provider. The Claims Administrator and authorized medical provider should continually evaluate the availability of transitional duty for all temporarily disabled employees.

A. The Transitional Duty Coordinator reviews the authorized medical provider's work restrictions and selects transitional duty assignments that are of benefit to the department and appear to be within those restrictions. This may include assignments requiring travel to alternate work locations. A transitional duty assignment does not have to be a full forty-hour workweek. The following skills may be necessary to participate in a transitional duty assignment.

- (1) Sit or stand for some tasks.
- (2) Understand and follow directions and procedures.
- (3) Accept direction and function cooperatively.
- (4) Communicate effectively and coherently using telephone, or when initiating or responding to verbal communications.
- (5) Read and comprehend documents.
- (6) Exercise independent judgment.
- (7) When the Transitional Duty Coordinator and the supervisor determine that transitional duty is within the employee's work restrictions, the Transitional Duty Coordinator provides a letter to the employee offering the transitional duty assignment. The letter must describe the work to be performed, state the transitional duty assignment will be reviewed periodically and state that the assignment is temporary. This letter should be handed to the employee upon arrival to work the following day. If the employee does not return to work the next day, the employee should sign and date the letter noting receipt. If it is necessary to mail the letter to the employee, it should be mailed certified/return receipt with a copy placed in the personnel file.

(8) If the employee agrees to the transitional duty assignment, he or she should sign the transitional duty offer and return it to the Transitional Duty Coordinator. If the employee declines the transitional duty assignment, the employee should code his or her time in accordance with applicable policies, salary ordinances and bargaining agreements. If an employee with work-related restrictions declines a transitional duty assignment without a verified medical cause, the Transitional Duty Coordinator should immediately notify the Claims Administrator. Refusal of a transitional duty assignment may adversely affect the employee's workers' compensation benefits.

B. If the employee's objection to a transitional duty assignment is based on a disagreement with the authorized medical provider regarding work-related restrictions, the Transitional Duty Coordinator should discuss the case with the authorized medical provider and the Claims Administrator

§46-124 Communications

A. The Transitional Duty Coordinator shall maintain the confidentiality of all medical information related to the transitional duty assignment. Only individuals with an administrative "need to know" shall be included in discussions on transitional duty. This includes department heads and human resources representatives. Where applicable, the Transitional Duty Coordinator shall limit discussions with the authorized medical provider and other authorized individuals to the medical restrictions and transitional duty issues in question.

B. If the need for transitional duty arises from a work-related injury or illness, the Transitional Duty Coordinator should contact the Claims Administrator. Copies of all related correspondence shall be sent to the Claims Administrator.

C. Questions related to transitional duty accommodations under the Americans with Disabilities Act and Family Medical Leave Act should be forwarded to the Personnel Department and/or municipal solicitor.

D. The Transitional Duty Coordinator shall provide initial and continuous communication with employees regarding the transitional duty program (see sample statement).

§46-125 Definitions

As used in this article, the following terms shall have the meanings indicated:

AMERICANS WITH DISABILITIES ACT (ADA)

Federal protection from employment discrimination for individuals with qualified disabilities. The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The ADA is one of America's most comprehensive pieces of civil rights legislation that prohibits discrimination and guarantees that people with disabilities have the same opportunities as everyone else to participate in the mainstream of American life -- to enjoy employment opportunities, to purchase goods and services, and to participate in State and local government programs and services. Modeled after the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin -- and Section 504 of the Rehabilitation Act of 1973 -- the ADA is an "equal opportunity" law for people with disabilities.

AUTHORIZED MEDICAL PROVIDER

A medical provider who has been designated to provide medical care and/or medical opinions for employees with work-related injuries or illnesses as authorized by the New Jersey State Workers' Compensation statute.

EMPLOYEE

Any person who renders service for pay, including persons working under a professional service contract. Employees include persons in probationary, regular, casual or temporary status.

FAMILY MEDICAL LEAVE ACT (FMLA)

Federal job protection during use of leave for a "serious health condition" or other qualifying event as defined under the Act.

MAXIMUM MEDICAL IMPROVEMENT (MMI)

The point at which the authorized medical provider determines that: 1) the condition resulting from the injury or illness is stable; 2) additional medical treatment or physical therapy will not improve patient's condition; or 3) that the patient has reached the medical plateau of recovery.

PHYSICAL WORK RESTRICTIONS

Work restrictions placed on an employee by the authorized medical provider.

TRANSITIONAL DUTY

A temporary work assignment that does not exceed an employee's medical work restrictions during a period of recovery from a work-related injury or illness. A temporary work assignment that does not develop into a permanent position and returns the employee to regular full duty as soon as possible.

§46-126 Reserved

Article 29 Transportation Expenses

§46-127 Transportation Furnished at Cost

It is the policy of the City to reimburse employees for reasonable and necessary expenditures made by employees while on official City business. Whenever employees travel in the course of their official duties on behalf of the City, they shall be furnished transportation at cost by the City.

§46-128 Use of Personal Motor Vehicle

Whenever the Commissioner in charge of a department authorizes an employee to use his or her personal motor vehicle for such travel, the employee shall be reimbursed transportation expenses at the Federal mileage allowance rate, plus tolls for the most direct route. This allowance is to compensate for the cost of gasoline, oil, depreciation and insurance. The rate published by the IRS will be reviewed annually by the Finance Department.

Article 30 Work Force Reduction

§46-129 Policy

Pursuant to N.J.A.C. 4A:8-1.1, the City may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other reemployment rights for employees in career service titles will be determined by the New Jersey Civil Service Commission

Article 31 Work Hours and Attendance*§46-130 Policy*

Regular and punctual attendance of employees is essential for the effective and efficient operation of the business of City government. All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled work day. Lateness and absence will be tolerated only in emergencies which are beyond the employees' control. Unscheduled absences, patterns of excessive absences, reporting for work late, leaving work early, failing to inform department heads of planned absences in advance and similar unsatisfactory attendance will subject an employee to disciplinary action.

Unscheduled absences place an unfair burden on co-workers and should be avoided. Frequent unscheduled absences, including late arrivals and early departures, are grounds for discipline, up to and including discharge. In addition, employees who fail to provide proper notification of late arrivals and unscheduled absences are subject to discipline, up to and including discharge.

§46-131 Responsibility of Employees

A. Department heads shall prepare attendance reports on forms specified by the City Clerk. These reports shall be kept for the department's use and also shall be sent to the City Clerk weekly.

B. Department heads shall warn an employee of a pattern of absenteeism, lateness or leaving work early as soon as the pattern is apparent. Department heads shall be accountable for failure to detect patterns of abuse. Department heads are expected to initiate appropriate disciplinary action through the office of the City Clerk, if such violations occur.

C. Employees who intend to be absent from work must comply with the notification and request and approval procedures required for securing authorized leaves of absence from work

D. Employees who intend to be late for work or who intend to leave work early must inform their department head no later than 15 minutes after the scheduled start of work.

§46-132 Work Hours

A. The normal work day for thirty-five-hour-per-week employees shall be 8:30 a.m. to 4:30 p.m.

B. The normal work day for forty-hour-per-week employees shall be 7:30 a.m. to 4:30 p.m. A Commissioner in charge of a department shall be authorized to adjust this work schedule from 7:00 a.m. to 4:00 p.m. by written authorization for employees working in the field. A Commissioner in charge of a department also shall be authorized to adjust this work schedule to reduce the lunch hour from one hour to one-half hour by written authorization for employees working in the field. The written authorization shall be filed in the office of the City Clerk for payroll and personnel purposes.

C. Those departments of government which are required to operate a twenty-four-hour-per-day-and-seven-day-per-week operation shall establish shift schedules for those employees who are required to work these shifts. These shift schedules shall be approved by the department head and the Commissioner in charge of the department and filed with the office of the City Clerk for payroll and personnel purposes.

D. Summer schedules with modified work hours for employees regularly working outside in the weather may be approved annually by resolution of the governing body.

E. A Commissioner in charge of a department shall be authorized to approve a special work schedule for employees who are performing essential services for the City outside the normal work

day. The written authorization shall designate the schedule by days per week and the hourly assignments and shall be filed in the office of the City Clerk for payroll and personnel purposes.

§46-133 Computerized Time System

- A. All employees shall use the computerized time system.
- B. Employees shall swipe their card and hit in to begin the work day. Employees shall swipe their card and hit out to end the work day.
- C. When employees leave work for their scheduled lunch, they shall utilize the computerized time system to clock out when they leave and to clock in when they return. Department heads are authorized to override this requirement for employees working in the field at lunch time where time clocks are not available and/or when it is not practical because of business emergency to return to the office to utilize the computerized time system.

§46-134 Policy Violations

The department head is authorized to excuse absences from work, late arrivals to work or early departures from work for emergencies occurring which are beyond the control of the employee. However, the employee shall be docked pay for the time away from work. Employees violating this policy are subject to disciplinary action. The following system of progressive discipline is recommended for the enforcement of this policy:

- A. A written warning for the first violation.
- B. A written reprimand for the second violation.
- C. Minor discipline for the third violation.
- D. Major discipline for the fourth or subsequent violation.

§46-134.1 Early Closing and Delayed Opening Policy

In the event of unsafe conditions, the Commissioner in charge of Emergency Management may authorize the City Administrator to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the administrator shall notify department heads of a delayed opening and a new opening time. Each department will have a calling system in place. If an employee chooses not to report to work, compensating time will be charged as per current personnel practices and collective bargaining agreements. 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 employees deemed essential as per the administrative policy of the City, on file in the City Clerk's office, and any personnel who may be required to assist in an emergency.

Article 32 Workers' Compensation Policy

§46-135 Job-Related Injuries and Illnesses

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 City covers workers compensation benefits through its membership in a joint insurance fund.

- A. Any occupational injury or illness must be reported immediately to the supervisor or department head.

B. All required medical treatment must be performed by a workers compensation physician appointed by the joint insurance fund, and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the City 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 N.J.S.A. 11A:6-8.

Article 33 Workplace Health Information Privacy Policy

§46-136 Federal Law

The United States Department of Health and Human Services issued the Privacy Rule to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Privacy Rule standards address the use and disclosure of individually identifiable health information by organizations subject to the Privacy Rule. It also addresses standards for individual privacy rights to understand and control how an individual's health information is used. The Office of Civil Rights within the United States Department of Health and Human Services has the responsibility for implementing and enforcing the Privacy Rule. It is the policy of the City of Millville to comply with the HIPAA Privacy Rule.

§46-137 Protected Health Information

The Privacy Rule protects all individually identifiable health information held by the City in any form or media, whether electronic, paper or oral. The Privacy Rule calls this information "protected health information (PHI)."

§46-138 Safeguards and Security

The City Clerk must take reasonable steps to safeguard the protected health information of an employee from any intentional or unintentional use or disclosure that is in violation of the HIPAA Privacy Rule. All protected health information of employees or family members of employees shall be maintained in a file separate from the official personnel file of the employee and stored in a locked cabinet during periods of the day and night when access is not required.

§46-139 Authorized Use and Disclosures

The major purpose of the Privacy Rule is to define and limit the circumstances in which the protected health information of an employee may be used or disclosed by the City. The City may not use or disclose protected health information except:

- A. As the Privacy Rule permits or requires; or
- B. As the employee who is the subject of the information authorizes in writing.

§46-140 Written Authorization

The authorization must be written in specific terms. All authorizations must be in plain language and contain specific information regarding the health information to be disclosed or used, the person disclosing and receiving the information, the expiration date of the authorization, the right of the employee to revoke the authorization in writing, and any other data required by federal law.

§46-141 Minimum Necessary Requirement

A central aspect of the Privacy Rule is the principle of minimum necessary use and disclosure. The City must make reasonable efforts to use, disclose and request only the minimum amount of protected health information needed to accomplish the intended purpose of the use, disclosure or request. The minimum necessary requirement is not applicable in any of the following circumstances:

- A. Disclosure to or a request by a health care provider for treatment;
- B. Disclosure to an individual who is the subject of the information, or the individual's personal representative;
- C. Use or disclosure made pursuant to an authorization;
- D. Disclosure to federal officials for complaint investigation, compliance review or enforcement;
- E. Use or disclosure that is required by law; or
- F. Use or disclosure required for compliance with HIPAA Transaction Rule or other HIPAA Administration Simplification Rules.

§46-142 Designated Private Official

The City Administrator is designated as the person responsible for implementing the Workplace Health Information Privacy Policy. The City Administrator also is the contact person responsible for receiving employee complaints and providing employees with information on the privacy practices of the City.

§46-143 Access and Confidentiality

- A. All access to protected health information maintained on file by the City must be through the office of the City Clerk. No employees of the City shall have access to protected health information except as required to perform their official duties.
- B. Any employee having access to protected health information shall be responsible to maintain the confidentiality of it. No employee shall discuss protected health information of another employee with anyone except those persons who are authorized to receive the information and then only in the context of performing their official duties.
- C. Managers and supervisors shall not question employees about their medical conditions. Instead, all such inquiries and matters shall be referred to the City Clerk for appropriate processing in accordance with the policies and procedures of the City and applicable federal law, rules and regulations.

§46-144 Employee Rights

Any employee who believes that their privacy rights have been violated has the right to complain to the Federal Office of Civil Rights and to the City Administrator. The employee shall comply with the Employee Complaint Policy when filing or making a complaint to the City Administrator.

Article 34 Workplace Violence Policy*§46-145 Purpose*

The City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the guidelines set forth in this policy to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises. Violent acts or threats made by an employee against another person or property are justification for disciplinary action and prosecution. This includes any violence or threats made on City property, at City events or under circumstances that may negatively affect the City's ability to conduct business.

§46-146 Definitions

As used in this article, the following terms shall have the following meanings unless the context indicates otherwise:

ABET

To knowingly give substantial encouragement, by action or inaction, to another person engaged in conduct prohibited by this policy.

AID

To knowingly give substantial assistance, by action or inaction, to another person engaged in conduct prohibited by this policy.

§46-147 Prohibited Conduct

It shall be unlawful for any employee to engage in the following conduct while on City property or while on City business:

- (1) Aggressive or hostile behavior that subjects another person to a reasonable fear of injury or subjects another person to emotional distress;
- (2) Aggressive or hostile behavior that causes physical injury to another person;
- (3) Committing acts of domestic violence;
- (4) Intentionally damaging the property of the City or another employee;
- (5) Making threatening remarks; and
- (6) Possession of a weapon except with the authority of the Chief of Police.

B. It shall be unlawful for any employee or any person doing business with the City to aid or abet the doing of any acts prohibited under this policy.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all

acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the City Administrator before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

Article 35 Personnel Investigation Procedure

§46-148 Purpose

The purpose of this standard operating procedure is to establish a uniform procedure for the investigation of certain complaints involving city employees that arise out of and occur during the course of employment with the city. All city personnel shall cooperate with the investigation, and be truthful in all information provided.

§46-148 Criminal Complaint

A. In the case of complaints alleging criminal conduct, the Chief of Police and the county prosecutor's office shall be notified and requested to perform an investigation in accordance with their standard operating procedures. The commissioner in charge of the department where the employee is employed and the City Administrator shall be kept informed as to the progress of the investigation.

B. In the case of complaints alleging a disorderly persons offense or a petty disorderly persons offense, the Millville Police Department shall be notified and requested to perform an investigation in accordance with their standard operating procedures. The commissioner in charge of the department where the employee is employed and the City Administrator shall be kept informed as to the progress of the investigation. A copy of the final reports concerning the investigation shall be provided to the City Administrator for a determination as to whether disciplinary action is warranted.

§46-148 Motor Vehicle Accidents

A. In the case of a motor vehicle accident involving a city owned vehicle on a public roadway, the

Millville Police Department shall be notified and requested to perform an accident investigation in accordance with their standard operating procedures. The commissioner in charge of the department where the employee is employed and the City Administrator shall be kept informed as to the progress of the investigation. A copy of the accident report shall be provided to the City Administrator for a determination as to whether disciplinary action is warranted.

B. In the case of a motor vehicle accident involving a city owned vehicle on city property, the department head where the city employee is employed shall investigate the accident and prepare a written report for submission to the City Administrator for review and further action if warranted. The City Administrator may refer the matter to the Millville Police Department for further investigation and/or initiate disciplinary action

Article 36 Donated Leave Policy

§46-148 Purpose

The purpose of this policy is to establish uniform standards throughout City government for a donated leave program.

§46-149 Definitions

As used in this article, the following terms shall have the following meanings unless the context clearly indicates otherwise:

A CATASTROPHIC HEALTH CONDITION OR INJURY WITH RESPECT TO AN EMPLOYEE

A life-threatening condition or combination of conditions; or a period of disability required by his or her mental or physical health 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 workdays.

A CATASTROPHIC HEALTH CONDITION OR INJURY WITH RESPECT TO AN IMMEDIATE FAMILY MEMBER OF AN EMPLOYEE

A life-threatening condition or combination of conditions; or 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 workdays.

IMMEDIATE FAMILY MEMBER

An employee's spouse, domestic partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

§46-150 Eligibility

An employee shall be eligible to receive donated sick or vacation leave if the employee meets the following requirements:

- A. The employee has completed at least one year of continuous service with the City;

B. The employee has exhausted all accrued sick, vacation, and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;

C. The employee has not been disciplined for chronic or excessive absenteeism, chronic or excessive lateness, or abuse of leave in the two-year period immediately preceding the employee's need for donated leave; and

D. The employee has any of the following qualifying conditions:

(1) Suffers from a catastrophic health condition or injury;

(2) Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or

(3) Requires absence from work due to the donation of an organ which shall include, for example, the donation of bone marrow.

§46-151 Participation in Program

A. An employee may request the City Clerk/Administrator to approve his or her participation in the program as a leave donor or leave recipient. The employee's department head may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

B. The employee or department head requesting the employee's acceptance as a leave recipient shall submit to the City Clerk/Administrator 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.

C. When the City Clerk/Administrator has approved an employee as a leave recipient, the City Clerk/Administrator 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.

D. If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

§46-152 Program Requirements

A leave recipient must receive at least 40 sick hours or vacation hours 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 (seven hours for 35 hours/week employees; all others eight hours) or whole vacation days (seven hours for 35 hours/week employees; all others eight hours) and may not donate more than 30 such days to any one recipient.

A. A leave recipient shall receive no more than 2,080 sick hours or vacation hours, and shall not receive any such time on a retroactive basis.

B. A leave donor shall have remaining at least 160 hours of accrued sick leave if donating sick leave and at least 96 hours of accrued vacation leave if donating vacation leave.

§46-153 Use of Donated Leave Time

While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.

A. 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 proration of leave time results in less than seven or eight hours per donor, depending on the donors' regular schedules, to be returned, that leave time shall not be returned.

B. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick time which he or she had received through the leave donation program.

§46-154 Prohibited Acts

An employee shall be prohibited from coercing or threatening, or attempting to coerce or threaten, another employee for the purpose of interfering with the rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be 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.

§46-155 Suspension or Termination of Donated Leave Program

The City may suspend or terminate the donated leave program at any time upon 30 days' written notice of such suspension or termination to the Commissioner of the Civil Service Commission and all affected employees and labor negotiations representatives.

Article 37 Video Surveillance Policy*§46-156 City Use of Video Surveillance*

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

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

C. No employee is permitted to view, continually watch, search, copy or otherwise use one of the City'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 City.

D. The City 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.

E. 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 City Administrator is immediately informed of such breach.

SECTION 2

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

SECTION 3

This ordinance shall take effect twenty (20) days after final passage, according to law.

Moved By: _____

Seconded By: _____

| <u>VOTING</u> | <u>In Favor</u> | <u>Against</u> | <u>Abstain</u> | <u>Absent</u> |
|-------------------------------|-----------------|----------------|----------------|---------------|
| Michael Santiago | | | | |
| Lynne Porreca Compari | | | | |
| David W. Ennis Joseph Sooy | | | | |

CERTIFICATION

I certify that the foregoing is a true copy of a Resolution adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on _____, 2016.

Susan G. Robostello, City Clerk

Commissioner Sooy motioned, seconded by Commissioner Porreca Compari that the foregoing Ordinance be approved and final consideration be held on August 2, 2016.

Commissioner Sooy discussed the amendment to Chapter 46 Personnel Policies consolidates at least 4 different employee manuals.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Ordinances 2nd Reading

The City Clerk/Administrator read the following Bond Ordinance by title only on Second and Final Reading:

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

ORDINANCE NO. 29 - 2016

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS, APPROPRIATING ONE MILLION DOLLARS (\$1,000,000) TO PAY THE COST THEREOF, AUTHORIZING THE ISSUANCE OF NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) OF BONDS TO FINANCE THE APPROPRIATION, AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS

THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE, IN THE COUNTY OF CUMBERLAND, STATE OF NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Millville, in the County of Cumberland, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to **ONE MILLION DOLLARS (\$1,000,000)**, including the aggregate sum of **FIFTY THOUSAND DOLLARS (\$50,000)**, which is hereby appropriated from the Capital Improvement Fund of the City as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Cumberland, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the **ONE MILLION DOLLARS (\$1,000,000)** appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of **NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000)** pursuant to the Local Bond Law of

New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

| IMPROVEMENT OR PURPOSE | APPROPRIATION AND ESTIMATED COST | AMOUNT OF BONDS OR NOTES |
|--|---|--------------------------------|
| (a) Acquisition by purchase of Fire Command Unit for the Fire Department including all attachments and appurtenances applicable thereto. | \$75,000 | \$71,250 |
| (b) Acquisition by purchase of a Brush Truck, including all appurtenances applicable thereto. | \$100,000 | \$95,000 |
| (c) Acquisition by purchase of Police Department public safety equipment; required information technology hardware and software and all attachments and appurtenances applicable thereto | \$825,000 | \$783,250 |
| Total | \$1,000,000 | \$950,000 |

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of

any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is

available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) **Capital Expenditures.** The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) **Average Period of Usefulness.** The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **9.625 years.**

(c) **Supplemental Debt Statement.** The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) **Soft Costs.** Amounts not exceeding SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond

ordinance.

Section 8. Application of Grants

Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

FIRST READING: July 5, 2016
 PUBLICATION: July 9, 2016
 FINAL READING: July 19, 2016
 PUBLICATION WITH STATEMENT: July 23, 2016

Moved By: Sooy
 Seconded By: Porreca Compari

VOTING

Michael Santiago
 Lynne Porreca Compari
 David W. Ennis
 Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I certify that the foregoing is a true copy of a Bond Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on July 19, 2016.


 Susan G. Robustello, City Clerk

Commissioner Sooy motioned, seconded by Commissioner Porreca Compari that the foregoing Ordinance be adopted.

Mayor Santiago opened the public hearing and asked if any persons wished to be heard.

There being no comments, Mayor Santiago closed the public hearing.

Mayor Santiago discussed the bond is to purchase Police Department Radio System and Fire Department trucks.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Resolutions

The City Clerk/Administrator read the following Resolution by title only:

i of 1

RESOLUTION NO. R233-2016

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:

That the following be added to the Tax & Utility records due to returned check

| Block | Lot | Acct | Property Location | Yr | Prd | Amount | Int | Description |
|-------|-----|--------|-------------------|----|-----|-----------|---------|-------------|
| 70.01 | 14 | 1797-0 | 426 Val Lane | 16 | 3 | \$ 86.00 | | WATER |
| | | | | 16 | 3 | \$ 10.00 | | NSF FEE |
| | | | | 16 | 3 | \$ 130.00 | | SEWER |
| | | | | 16 | 3 | \$ 10.00 | | NSF FEE |
| 408 | 23 | 7439-0 | 2322 Newcombtown | 16 | 2 | \$ 60.00 | \$ 0.36 | WATER |
| | | | | 16 | 1 | \$ 0.27 | | WATER |
| 908 | 18 | 8873-0 | 2412 E. Main St. | 16 | 2 | \$ 30.00 | \$ 0.17 | WATER |
| | | | | 16 | 2 | \$ 130.00 | \$ 0.75 | SEWER |

Moved By: Porreca Compari

Seconded By: Sooy

VOTING:

Michael Santiago

Lynne Porreca Compari

David W. Ennis

Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


 Susan E. Robostello, City Clerk

Commissioner Porreca Compari motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

RESOLUTION NO. R234-2016

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the period covering one year, January 1, 2015 through December 31, 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Questioned Costs" or "Findings and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the City of Millville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Moved By: Sooy
Seconded By: Ennis

VOTING
Michael Santiago

Lynne Porreca Compuri
David W. Ennis
Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016


Susan G. Robosto, City Clerk

The City Clerk/Administrator read the following Resolution by title only:

RESOLUTION NO. R235-2016

WHEREAS, Chapter II, Article III of the Municipal Code of the City of Millville requires that property owners maintain their property in accordance with the standards contained in the Property Maintenance Code of the City of Millville; and

WHEREAS, the Code Official authorized emergency services to be performed to correct the condition at a cost to the City of Millville as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:

- I. The governing body of the City of Millville hereby authorizes the special assessment against the following properties and the monies owed shall be collected in the same manner as property taxes are assessed and collected pursuant to section II-6 of the municipal code.

BOARD AND SECURE:

| | |
|---|-----------|
| Block 352 Lot 4 530 Columbia Ave (Board and Secure Date 6-28-16) | 21.50 |
| Administrative Fee | 250.00 |
| Block 300 Lot 3 308 W Green St | 21.50 |
| Administrative Fee | 250.00 |
| Block 474 Lot 16 206 S 4 th St (Board and Secure Date 6-28-16) | 21.50 |
| Administrative Fee | 500.00 |

Moved By: Porreca Compari

Seconded By: Sooy

VOIING

Michael Santiago

Lynne Porreca Compari
David W. Ennis
Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Commissioner Porreca Compari motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

Resolution No. R236-2016

WHEREAS, the Director of Public Safety shall appoint a Municipal Emergency Management Coordinator from among the residents of the City of Millville, who shall serve for a term of three years; and

WHEREAS, as a condition of the Emergency Management Coordinator's appointment and the right to continue for the full term of the appointment, the Municipal Emergency Management Coordinator shall complete the training required by N.J.S.A. App. A: 9-33 et seq.; and

WHEREAS, the Municipal Emergency Management Coordinator shall be a member of the Local Emergency Management Council and shall serve as its chairman; and

WHEREAS, the Emergency Management Coordinator shall be responsible for the planning, activating, coordination and conduct of emergency Management operations with the city; and

WHEREAS, in accordance with the regulations promulgated by the State Director of Emergency Management, the Emergency Management Coordinator shall be empowered to issue and enforce such orders as may be necessary to implement and carry out emergency management operations and preparedness and to protect the health, safety, and resources of the residents of the City of Millville.

WHEREAS, the Emergency management Coordinator shall appoint one and may appoint more than one Deputy Emergency Management Coordinator.

NOW, THEREFORE, BE IT RESOLVED THAT Sherman R Taylor is hereby reappointed as the Municipal Emergency Management Coordinator, and hereby reappoints John D. Hallquist, Michael Lippincott, and William Stadnick as Deputy Emergency Management Coordinators for a term expiring July 31, 2019.

Moved By: Sooy

Seconded By: Ennis

VOTING

Michael Santiago

Lynne Porreca Compari
David W. Ennis
Joseph Sooy

| <u>In Favor</u> | <u>Against</u> | <u>Abstain</u> | <u>Absent</u> |
|-----------------|----------------|----------------|---------------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Commissioner Sooy motioned, seconded by Commissioner Ennis that the foregoing Resolution be adopted.

Mayor Santiago thanked Mr. Taylor and the Emergency Management Team and discussed the acquisition of Federal Surplus Equipment and Supplies to better serve the citizens of Millville in times of disaster and recovery.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

RESOLUTION NO. R237-2016

WHEREAS, Chapter II, Article VI of the Municipal Code of the City of Millville requires that property owners maintain their property in accordance with the standards contained in the Property Maintenance Code of the City of Millville; and

WHEREAS, a Notice of Violation was served on the property owners of the properties listed below, and they failed to correct the condition set forth in the Notice of Violation within the time specified, and

WHEREAS, the Code Official authorized services to be performed to correct the condition at a cost to the City of Millville as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:

I. The governing body of the City of Millville hereby authorizes the assessment of a lien against the following properties and the monies owed shall be collected in the same manner as property taxes are assessed and collected pursuant to section II-6 of the municipal code.

CUT & CLEAN:

| | |
|---|--------|
| Block 416 Lot 6 120-124 N High Street (Clean Up date 6/28/16) | 180.00 |
| Administrative Fee | 250.00 |
| Block 542 Lot 8 829 S. 2 nd Street (Clean Up date 6/29/16) | 90.00 |
| Administrative Fee | 250.00 |
| Block 332 Lot 18 408 D Street (Clean Up date 7/7/16) | 90.00 |
| Administrative Fee | 250.00 |
| Block 354 Lot 11 16 W Oak Street (Clean Up date 7/7/16) | 150.00 |
| Administrative Fee | 250.00 |
| Block 402.03 Lot 8 505 Linda Lane (Clean Up date 7/8/16) | 240.00 |
| Administrative Fee | 250.00 |
| Block 564 Lot 25 1133 Louis Drive (Clean Up date 7/11/16) | 150.00 |
| Administrative Fee | 250.00 |
| Block 562.02 Lot 7 1141 Robin Terr (Clean Up date 7/11/16) | 90.00 |
| Administrative Fee | 500.00 |

Block 72 Lot 12
 908 Cherry Street
 (Clean Up date 7/12/16) 90.00
 Administrative Fee 250.00

Moved By: Porreca Compari
 Seconded By: Sooy

VOTING

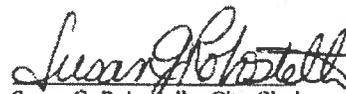
Michael Santiago

 Lynne Porreca Compari
 David W. Ennis
 Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


 Susan G. Robitello, City Clerk

Commissioner Porreca Compari motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago

The City Clerk/Administrator read the following Resolution by title only:

RESOLUTION NO. R238-2016

WHEREAS, the City of Millville has in its possession certain, equipment, no longer needed for public use; and

WHEREAS, said equipment are to be sold at public sale; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE:

1. That advertisement be made of a public sale through a contracted government on-line auction service, GovDeals, Inc. at www.govdeals.com/MillvilleNJ from Wednesday, August 3, 2016 through Wednesday, August 10, 2016 of the equipment set forth on Schedule "A" attached to and made a part of this Resolution.

Moved By: Sooy

Seconded By: Ennis

VOTING

Michael Santiago

Lynne Porreca Compari

David W. Ennis

Joseph Sooy

| <u>In Favor</u> | <u>Against</u> | <u>Abstain</u> | <u>Absent</u> |
|-----------------|----------------|----------------|---------------|
| X | | | |
| X | | | |
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CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Schedule "A"

Savin C3030 Copier Serial #L3766000050

Commissioner Sooy motioned, seconded by Commissioner Ennis that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

RESOLUTION NO. R239-2016

WHEREAS, it has come to the attention of the Board of Commissioners of the City of Millville that the City does not have a policy in place regarding the review and release of closed session minutes as is required by law; and

WHEREAS, the Board of Commissioners has determined that a six month review of minutes made in closed sessions is reasonable and necessary.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE, THAT:

1. The City Solicitor and City Clerk are hereby directed to review all minutes of closed session meetings every six months and to release minutes to the extent there is no longer any legal basis for keeping them confidential under the Open Public Meetings Act.

Moved By: Sooy
Seconded By: Porreca Compari

VOTING

Michael Santiago

Lynne Porreca Compari

David W. Ennis

Joseph Sooy

| In Favor | Against | Abstain | Absent |
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| X | | | |
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CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Commissioner Sooy motioned, seconded by Commissioner Porreca Compari that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution
by title only

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

**RESOLUTION NO. R240-2016
AWARDING A PROFESSIONAL SERVICES CONTRACT TO
FRANKLIN J. RIESENBURGER, ESQUIRE**

WHEREAS, the Board of Commissioners finds that it is necessary to hire an Environmental Legal Consultant; and

WHEREAS, the City of Millville issued a Request for Proposal for the aforesaid professional services and Franklin J. Riesenburger, Esquire (hereinafter referred to as "Contractor") having submitted the lowest bid; and

WHEREAS, under the Local Public Contracts Law, the subject contract is a contract for professional services because:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual entity providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual or entity and the municipality;

(B) The services required are highly specialized or technical in nature;

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise;

(D) The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding;

(E) The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required;

(F) The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession;

(G) The services include advice to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials such that competitive bidding is not feasible or practical;

(H) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient.

WHEREAS, the Chief Financial Officer has issued a certification of the availability of funds.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that:

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.

2. The Mayor and City Clerk be and they are hereby authorized to execute a Professional Services Contract retaining the professional services of Franklin J. Riesenburger, Esquire in an amount not to exceed \$100,000.00 the form annexed hereto as Exhibit "A" with the term of that agreement commencing on July 15, 2016 and terminating on July 14, 2017.

3. The statutory language required by N.J.S.A. 10:2-1 and 10:5-33 is hereby incorporated into the contract by reference and the contractor is bound by said language together with the other provisions of the anti-discrimination laws of the State of New Jersey, Chapter 127 of the Laws of 1975.

4. This Resolution shall only be effective when a copy of a certification of availability of funds prepared by Chief Financial Office of the City is attached hereto.

5. The Business Disclosure Entity Certification and the determination of value shall be placed on file with this Resolution.

6. A notice of the letting of this contract shall be published in the City's official newspaper within ten (10) days of the date of this resolution, which notice shall state that this Resolution and the contract are on file and available for public inspection in the office of the City Clerk.

7. This Resolution only shall become effective when a copy of the New Jersey Business Registration Certificate of the Consultant herein is submitted to the City of Millville pursuant to the provisions of N.J.S.A. 52:32-44b(1) and a copy of that New Jersey Business Registration Certificate shall be placed on file with this Resolution.

Moved By: Porreca Compari
 Seconded By: Sooy

VOTING

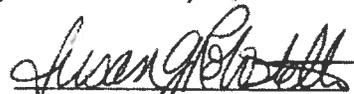
Michael Santiago

Lynne Porreca Compari
 David W. Ennis
 Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
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CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


 Susan G. Robostello, City Clerk

Commissioner Porreca Compari motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

Commissioner Porreca Compari submitted the appropriate certification as to the availability of funds.

Commissioner Porreca Compari discussed the contract covers legal services on the former Wheaton property and now legal services for the airport environmental ongoing litigation. Mr. Riesenburger's hourly rate is approximately \$200.00 less than the payment being made to the previous attorney handling the airport matter.

The motion passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

RESOLUTION NO. R241-2016

WHEREAS, the City of Millville and AT&T Mobility (New Cingular Wireless PCS, LLC), hereinafter referred to as "AT&T", previously entered into a lease agreement under which AT&T was leasing certain premises owned by the City known as 1801 Buckshutem Road (Water Tank) for the purposes of operating a cellular tower;

WHEREAS, AT&T needs access to said cell tower in order to allow AT&T to update its equipment by installing three (3) new LTE antennas and three (3) new remote radio heads;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Millville, County of Cumberland and State of New Jersey that:

1. The Landlord Consent/Authorization for Permit Application is hereby approved; and
2. The Mayor and City Clerk are hereby authorized to execute the agreement.

Moved By: Ennis
Seconded By: Sooy

VOTING

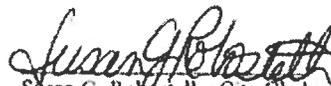
Michael Santiago

Lynne Porreca Compari
David W. Ennis
Joseph Sooy

| In Favor | Against | Abstain | Absent |
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CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Commissioner Ennis motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

The City Clerk/Administrator read the following Resolution by title only:

**CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

RESOLUTION NO. R242-2016

WHEREAS, the Board of Commissioners of the City of Millville previously engaged **William M. Tambussi, Esquire** of **Brown & Connery, LLP**, to act as Special Labor Counsel in certain conflict matters under a Professional Services Contract adopted by Resolution No. R205-2016 on June 21, 2016; and

WHEREAS, the Board of Commissioners desires to amend said professional services contract so as to engage said law firm to conduct an independent investigation in a matter involving a police department employee; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE, COUNTY OF CUMBERLAND AND STATE OF NEW JERSEY THAT:

1. The aforesaid Professional Services Contract is hereby amended to provide for additional compensation not to exceed \$7,500.00 (for a total of \$15,000.00); and
2. The Mayor and City Clerk are hereby authorized to execute the agreement.

Moved By: Porreca Compari
Seconded By: Sooy

VOTING

Michael Santiago

Lynne Porreca Compari

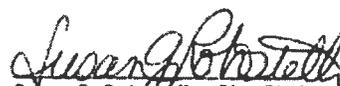
David W. Ennis

Joseph Sooy

| In Favor | Against | Abstain | Absent |
|----------|---------|---------|--------|
| X | | | |
| X | | | |
| X | | | |
| X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held July 19, 2016.


Susan G. Robustello, City Clerk

Commissioner Porreca Compari motioned, seconded by Commissioner Sooy that the foregoing Resolution be adopted.

Commissioner Porreca Compari submitted the appropriate certification as to the availability of funds.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

New Business

A motion was made by Commissioner Porreca Compari, seconded by Commissioner Sooy authorizing the following Social Affair Permit and Bingo and Raffle Licenses:

Social Affair Permit

a) Wheaton Arts and Cultural Center, 1501 Glasstown Road, Millville on October 1, 2016 from 10:00 a.m. to 10:00 p.m., October 2, 2016 from 10:00 a.m. to 6:00 p.m., and October 22, 2016 from 3:00 p.m. to 11:00 p.m. for the sale of beer and wine in a designated location during a festival which is primarily for the sale of art and handmade goods.

Bingo License

a) Bingo License on behalf of Spirit & Truth Ministries, Inc., for a Bag Bingo to be held at the Millville Elk's Lodge on October 14, 2016, 5:00 p.m. to 10:00 p.m.

Raffle License

a) Raffle License on behalf of Spirit & Truth Ministries, Inc., for an On-Premise 50/50 to be held at the Millville Elk's Lodge on October 14, 2016, 5:00 p.m. to 10:00 p.m.

b) Raffle License on behalf of Spirit & Truth Ministries, Inc., for an On-Premise Merchandise to be held at the Millville Elk's Lodge on October 14, 2016, 5:00 p.m. to 10:00 p.m.

c) Raffle License on behalf of Spirit & Truth Ministries, Inc., for an On-Premise Merchandise to be held at the Millville Elk's Lodge on October 14, 2016, 5:00 p.m. to 10:00 p.m.

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

A motion was made by Commissioner Sooy, seconded by Commissioner Porreca Compari authorizing the following Special Event on Public Land Applications:

a) Community Outreach sponsored by Miracle Temple Church of God on Christ (COGIC), to be held on July 30, 2015, 12:30 p.m. to 5:30 p.m. on S. 15th Street, subject to approval by all of the required City Officials

b) VEGStock sponsored by the Millville Development Corporation to be held on September 10, 2016, 10:00 a.m. to 5:00 p.m., on High Street in Arts District

c) Baseball Games, sponsored by Puerto Rican Action Committee of Southern New Jersey to be held August 10, 2016 through August 14, 2016 from approximately 5:00 a.m. to 10:00 p.m. at the ball fields behind city hall

The motion was passed, by the following vote: Yeas: Ennis, Porreca Compari, Sooy and Santiago.

A motion was made by Commissioner Sooy, seconded by Commissioner Porreca Compari authorizing the City Clerk to advertise for Request for Proposals (RFP) for a Solar Power Purchase Agreement with said proposals to be returned to the Purchasing Board on August 18, 2016 at 10:00 a.m., Richard C. McCarthy Commission Chamber, 4th floor, City Hall.

Commissioner Sooy discussed the Solar Power Purchase Agreement is for the 15th Street Public Works warehouse and the city could potentially save one million dollars over 20 years and reduce cost by 40%.

The motion was passed, by the following vote: Yeas:
Ennis, Porreca Compari, Sooy and Santiago.

There being no further business, Mayor Santiago stated we have now reached the public comment portion of our meeting. Anyone who would like to address the commission, please go to the lectern, state your name, and address your concerns. Please limit your comments to approximately 5 minutes.

Brian McGahhey discussed the 5 minute limit for public comment by citizens and final comments of commissioners should also be limited to 5 minutes.

Betty Monteleone discussed the 5 minute public comment limit, recommended the vendors used for public safety purchases included in the bond ordinance should be checked thoroughly, thanked Commissioner Sooy for the recent tour of the city, the \$500,000.00 bridge to nowhere, Facebook comments and complimented the commissioners for their hard work.

Emma Andrews, Peek Ave., thanked the Board of Commissioners for all they are doing and thanked Mayor Santiago and the entire Police Department for their dedication.

Mary Messick discussed police officers, PAL, the need to change dialogue and the need to pull together to make Millville great.

Kevin Asselta, 10th Street discussed the Summer Concert Series in Millville are great events and recommended a meeting be scheduled with the Police Department and the public to increase communication to help fight crime.

Chief Farabella discussed his appreciation for the support of the Police Department, PAL, Chaplain Program and Command Staff.

Chief Farabella discussed Shot Spotter, grant denial, two new police officers will be hired in August and a Civilian Police Academy is in the planning stages.

Linda Keen, requested further information about the Shared Service Agreement between the City Police Department and Oakview Apartments.

Mayor Santiago clarified the City of Millville Shared Service Agreement with the Millville Housing Authority applies to all Housing Authority owned properties.

George Cooper, Whitemarsh, discussed the Police Department, people sharing thoughts on Facebook and complimented Commissioner Ennis on his professionalism as a commissioner.

Mayor Santiago declared the public comment portion closed and asked for final comments by the commissioners.

Commissioner Sooy discussed realigning priorities takes time.

Commissioner Ennis discussed the need for dignified meetings and the power of words.

Commissioner Porreca Compari reminded the public of the upcoming Town Hall meeting on July 21, 2016 at Lakeside Middle School 6:30 - 7:30 pm. discussions on collection of yard waste and 7:30 - 8:30 pm discussions on the New Jersey Motorsports Park. The meeting is intended to give the public a chance to talk to the commissioners about these two topics and contribute their ideas.

Mayor Santiago recently toured ARC International/Durand and announced the hiring of 100 new employees.

Mayor Santiago attended the recent ribbon cutting at Village on High and encouraged the public to visit the many interesting shops there.

Mayor Santiago provided information on the Millville Municipal Alliance and suggested the information be placed on the city website.

Mayor Santiago thanked the police department and all first responders for all that they do to provide safety to the public.

There being no further business the meeting was adjourned subject to the call of the chair, by the following vote. Yeas: Ennis, Porreca Compari, Sooy and Santiago.

Moved By: Ennis
 Seconded By: Sooy

| <u>VOTING</u> | In Favor | Against | Abstain | Absent |
|-----------------------|----------|---------|---------|--------|
| Michael Santiago | | | | X |
| Lynne Porreca Compari | X | | | |
| David W. Ennis | X | | | |
| Joseph Sooy | X | | | |

CERTIFICATION

I hereby certify that the foregoing is a true copy of Commission Meeting Minutes adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held August 2, 2016.



 Susan G. Robostello, City Clerk

BILL LIST
CITY OF MILLVILLE
MEETING JULY 19, 2016

| | |
|--------------------------------|--------------|
| AAA SOUTH JERSEY, INC. | 24.50 |
| ACTION SIGNS & AWARDS | 79.00 |
| ALL INDUSTRIAL SAFETY PROD INC | 708.71 |
| ALPER ENTERPRISES, INC. | 112,050.00 |
| AMERICAN LEGION POST 82 | 225.00 |
| ARAMARK UNIFORM SERVICES, INC. | 2,059.70 |
| ARBRISCO ENTERPRISE, INC. | 2,145.00 |
| A-TEL COMMUNICATIONS INC | 90.83 |
| ATLANTIC CITY ELECTRIC | 85,658.45 |
| AUTOZONE NORTHEAST, INC. | 57.43 |
| DONALD S. AYRES | 2,048.40 |
| SARAH E. BIRDSALL | 2,100.00 |
| B-SAFE INC | 500.00 |
| BLANEY & KARAVAN, PC | 9,997.00 |
| BOUCHER & JAMES INC. | 7,095.39 |
| CHANCE & MCCANN LLC | 1,562.50 |
| CINTAS FIRST AID & SAFETY CORP | 130.40 |
| CITY OF MILLVILLE | 24,475.31 |
| COLONIAL ELECTRIC SUPPLY | 222.06 |
| COMCAST, INC. | 1,860.51 |
| CDW GOVERNMENT, INC. | 2,205.80 |
| COOPER ELECTRIC SUPPLY, INC. | 726.30 |
| CCIA | 4,379.29 |
| CUMBERLAND COUNTY S.P.C.A. | 4,955.00 |
| CUMBERLAND VALVE INC | 137.48 |
| CUSTODIAN OF SCHOOL MONIES | 2,011,305.69 |
| GANNETT SATELLITE INFORMATION | 1,442.52 |
| DEERFIELD ELECTRIC CONST.,INC. | 7,286.90 |
| DEGNAN & BATEMAN, INC | 1,124.55 |
| EAGLE EQUIPMENT INC. | 5,100.00 |
| FEDEX | 135.43 |
| FLEETPRIDE, INC. | 716.61 |
| FLEISHMAN DANIELS LAW OFF, LLC | 3,050.00 |
| FORD, SCOTT & ASSOCIATES, LLC | 13,000.00 |
| DEARBORN NATIONAL | 1,710.30 |
| GENERAL CODE PUBLISHERS, INC. | 4,081.88 |
| GENTILINI CHEVROLET LLC | 724.38 |
| GIORDANO VINELAND SCRAP | 1,221.03 |
| W.W.GRAINGER, INC. | 674.66 |
| GRUCCIO, PEPPER, DESANTO | 4,095.00 |
| HD SUPPLY WATERWORKS | 120.00 |
| THOMAS G. HEIM | 910.00 |
| GREG L. ERBER, SR. | 2,189.40 |
| KAVANAGH & KAVANAGH | 3,093.75 |
| KEEN COMPRESSED GAS CO., INC. | 124.55 |
| JOHN W. KRAUSE, LLC | 600.00 |
| LEXISNEXIS RISK SOLUTIONS | 435.00 |
| LILLISTON CHRYSLER/PLYM., INC. | 43.86 |
| LORCO PETROLEUM SERVICE, INC. | 45.00 |

| | |
|---------------------------------|------------|
| ANTHONY LOTECK | 731.43 |
| LOWE'S CO., INC. | 2,398.27 |
| MARINA ENERGY LLC | 18,838.82 |
| MILLVILLE AIRPORT ADMIN & | 75.00 |
| MILLVILLE AMERICAN BASEBALL LGE | 550.00 |
| MILLVILLE CHURCH OF THE | 75.00 |
| MILLVILLE GLASS CENTER, INC. | 64.50 |
| MOKEE COMPUTER TECHNOLOGIES LLC | 420.00 |
| NCL OF WISCONSIN, INC. | 639.95 |
| NEILL CARILLON SERVICE LLC | 2,497.50 |
| VERIZON CREDIT INC. | 64.42 |
| VERIZON | 169.50 |
| NJ STATE DEPT OF HEALTH | 317.40 |
| CIF/RTK/PPC, NJ DEPT OF LABOR | 2,163.58 |
| ONE CALL CONCEPTS, INC. | 966.25 |
| PEOPLEFACTS, LLC | 88.92 |
| PERMA-LINER INDUSTRIES LLC | 3,989.09 |
| THE PRESS & SUNDAY PRESS, INC. | 15.81 |
| R.O.K. INDUSTRIES, INC. | 5,160.00 |
| RADWELL INTERNATIONAL | 1,361.50 |
| JOHN E. REID & ASSOC., INC. | 770.00 |
| RICOH USA, INC. | 478.32 |
| RIGGINS, INC. | 15,977.16 |
| BROCK D. RUSSELL, LLC | 3,662.50 |
| DOREEN SEDDON | 2,672.51 |
| SERVICE TIRE TRUCK CENTER, INC | 1,102.96 |
| CUMBERLAND COUNTY TREASURER | 19,142.51 |
| SIRCHIE FINGER PRINT LAB, INC. | 52.00 |
| SIR SPEEDY PRINTING | 720.00 |
| SJ GAS COMPANY | 408.96 |
| SHARON L SMITH | 1,155.27 |
| SOUTH JERSEY SANITATION CO INC | 123,227.24 |
| SOUTH STATE MATERIALS, LLC | 344.42 |
| SPECIALTY GRAPHICS LLC | 660.00 |
| STATE TOXICOLOGY LABORATORY | 315.00 |
| RYAN STROUP | 641.65 |
| TCTA OF CAMDEN, GLOUC., CUMB | 150.00 |
| TD BANK, NATIONAL ASSOCIATION | 229,573.21 |
| TEPS POWER EQUIPMENT | 743.72 |
| THRIFT-T LAUNDROMAT & CAR | 204.00 |
| TRACTOR SUPPLY | 49.99 |
| TREASURER, STATE OF NJ | 1,025.00 |
| TREASURER, STATE OF NJ/727 GSPT | 8,928.72 |
| UNITED ELECTRIC SUPPLY, INC. | 403.79 |
| UNITED PARCEL SERVICE | 31.06 |
| U.S. BANK NATIONAL ASSOCIATION | 497,536.47 |
| NATHAN VAN EMBDEN, ESQ. | 4,625.00 |
| VERIZON CABS | 194.37 |
| VERIZON CORP SERVICES GRP | 9,169.00 |
| VERIZON WIRELESS | 5,934.14 |
| VINELAND LANDSCAPING | 4,285.03 |
| WASTE MANAGEMENT OF SJ, INC. | 448.07 |
| W. B. MASON COMPANY, INC. | 616.08 |
| WEINSTEIN SUPPLY CORPORATION | 178.12 |

| | |
|----------------------------------|--------------|
| PAUL T WILLIAMS | 8.00 |
| WITMER PUBLIC SAFETY GRP, INC. | 70.00 |
| XEROX CORPORATION | 629.99 |
| XPRESS ELECTRONIC SERVICES INC | 270.00 |
| XTEL COMMUNICATIONS, INC. | 20,254.53 |
| | |
| TOTAL VOUCHERS 07/19/16 | 3,325,970.30 |
| | |
| CITY OF MILLVILLE SALARY ACCOUNT | 496,441.64 |
| | |
| TOTAL VOUCHERS & SALARY 07/19/16 | 3,822,411.94 |