



Human Resources Policy

Adopted by the
Middlesex County Board of County Commissioners

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HUMAN RESOURCES POLICY

1:1 SHORT TITLE; SCOPE

1:1-1 Short Title

This document shall be known as the Middlesex County Human Resources Policy.

1:1-2 DISCLAIMER – AT WILL EMPLOYMENT

PLEASE BE ADVISED THAT THE COUNTY HUMAN RESOURCES POLICY MANUAL IS NOT A CONTRACT OF EMPLOYMENT NOR SHOULD ANY OF ITS TERMS OR PROVISIONS BE CONSTRUED TO GIVE RISE TO A CONTRACT OF EMPLOYMENT BETWEEN THE COUNTY AND ANY EMPLOYEE. ALL EMPLOYEES ARE HIRED AT WILL, WHICH MEANS THAT THEY MAY LEAVE EMPLOYMENT WHENEVER THEY WANT TO DO SO AND THE COUNTY MAY TERMINATE THEM WITHOUT CAUSE, SUBJECT TO CIVIL SERVICE OR A COLLECTIVELY NEGOTIATED LABOR CONTRACT, WHEN EITHER OR EACH IS APPLICABLE.

1:1-3 Scope

This document is intended to codify all employment provisions, benefits and obligations pertaining to the employment of persons in the employ of the County of Middlesex.

Any delay in the enforcement of any policies or provisions within this manual shall not constitute a waiver of its requirement by the County.

Any resolutions previously adopted by the Board of County Commissioners, which either explicitly or implicitly conflict with any of the provisions contained herein, shall be and are hereby rescinded.

1:1-4 Responsibility

This policy shall be administered at all levels with a positive and supportive attitude. It is the responsibility of all administrators and management with the County to ensure the affirmative implementation of these policies.

1:1-5 Limitations

Should any provision of this Human Resources Policy conflict with the terms of any negotiated labor agreement, then the terms of the labor agreement shall prevail.

Although Department Heads are permitted to establish policies and procedures in order to achieve an effective and efficient office, said policies and/or procedures must not be inconsistent with County over all policy or contractual provisions governing said Department's employees.

1:2 EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

1:2-1 Statement

It is the policy of Middlesex County Government to provide equal employment opportunities without regard to a person's actual or perceived race, color, creed, nationality, national origin, ancestry, religion, age, disability, sex (including pregnancy), sexual orientation, gender identity or expression, marital status, civil union or domestic partnership status, military service, genetic information, or relation to such person. This policy applies to: 1) all phases of employment including recruitment, testing, hiring, placement, promotion and other employment benefits, terms, conditions, and privileges of employment, demotion, transfer, or termination; 2) rates of pay or other forms of compensation; 3) selection for training; 4) the use of all facilities; and 5) participation in all County sponsored or affiliated employee activities.

1:2-2 Americans with Disabilities Act (ADA)

The County of Middlesex observes the ADA and the New Jersey Law against Discrimination. Anyone who wishes to file a claim under either law should contact the County ADA Compliance Officer through the County Office of Human Resources.

**1:3 APPLICATIONS; VETERAN'S PREFERENCE;
RESIDENCY REQUIREMENTS**

1:3-1 Applications

A. Applicants for County employment shall apply on forms provided by the Office of Human Resources, which have been designed to obtain information concerning the applicant's education, training and experience, with no infringement on the individual's civil rights.

B. The Office of Human Resources or its designee shall be responsible for processing all applications for appointments to vacancies or new positions, as well as sending out notices of non-appointment.

C. Providing false or materially incomplete information on any application paperwork may be grounds for discipline up to and including termination.

1:3-2 Veteran's Preference for all Career Service Personnel

- A. By completing the Veteran's Preference Claim Form available from any New Jersey Department of Personnel Office and submitting it, together with a copy of discharge or separation papers, to Trenton, eligible individuals may receive a Veteran's Preference number.
- B. This number shall be used when applying for New Jersey Department of Personnel tests and shall have no significance outside of career service job categories.

1:3-3 Residency Preference for all Officers and Employees

- A. Unless otherwise provided by applicable law pertaining to the hiring of employees, it shall be the policy of the County of Middlesex that preference shall be given to bona fide residents of Middlesex County.
- B. A bona fide resident for the purpose of this section is a person having a permanent domicile within the County of Middlesex.
- C. In the event more than one candidate, who possesses the same or similar knowledge, education, training, experience, expertise, talent, skillset, certifications and/or accreditations, applies for a particular position of employment with the County of Middlesex, preference shall be given to the candidate that is a bona fide County resident.
- D. The preference established by this section shall in no way diminish, reduce or affect the preferences granted pursuant to any other provisions of the law.
- E. Where the appointing authority shall determine that there are certain specific positions or employment requiring special talents or skills which are necessary for the operations of the County and which are not likely to be found among residents of the County, such positions or employment so determined shall be filled without reference to the residency preference. Any such determination shall be made pursuant to the following criteria:
 - 1. The position is deemed by the appointing authority to be needed to perform services permitted by statute.
 - 2. The duties and tasks of said position require individuals possessing specialized talents or skills, including the completion of training leading to technical or professional degrees or other certification; and/or demonstrated effective experience in performing those duties requiring such specialized talents or skills.

3. Any employee hired by the County of Middlesex, who was previously required to become a bona fide resident of the County as a condition of employment, shall no longer be required to satisfy such condition.

1:3-4 Replacement Personnel Hiring Procedure

A. In order to more closely monitor the process for hiring of replacement personnel, the Office of Human Resources procedures will be adhered to.

B. In the event of a time critical situation requiring immediate hiring of an employee, this procedure may be accelerated by agreement of the Board of County Commissioners. However, unless otherwise approved, the effective date for hiring of the replacement employee will not commence until after the formal authorization by the Board of County Commissioners at a regular meeting.

1:4 EMPLOYMENT CATEGORIES

A. **Seasonal - Employee:**

This is an employment status where a person may work five (5) days per week, full-time, but does so only for a particular season or a period of time approximately three (3) months, but it may be less or it may be more. Any person employed on a seasonal basis shall not be entitled to any County employee benefit as is afforded to full-time County employees. The employee will be entitled to paid sick time in accordance with applicable Federal and/or State Law, including but not limited to the "New Jersey Earned Sick Leave Act," N.J.S.A. 34:11D-1 et seq., which is incorporated herein and as it may be amended.

B. **Grant Employee:**

A person employed under full-time status, through grant funds, will be appointed on a "conditional" basis for the duration of such grant funding. These employees will be eligible for benefits as provided for under the grant and/or required by law. Should the grant funds run out, or should the County choose not to re-apply or be ineligible for said grant, the position will cease to exist, and the employee will be terminated. An employment agreement may be required.

C. **Occasional Full or Part-Time And Per Diem Employees:**

This is a person on the County payroll who does not regularly work five (5) days per week, but may be called upon from time to time to do full or part-time work; such as, but not limited to, evening and weekend fire instructors. No County employee benefits or pension accrue to this individual unless otherwise required by law, such as earned paid sick leave pursuant to N.J.S.A. 34:11D-1 et seq.

D. **Full-Time Employee:**

A person hired in a permanent position (classified or unclassified) and regularly works a minimum of five days (35/40 hours) per week within a County Department, Division, or agency, and is entitled to all the benefits of a regular full-time employee in accordance with the provisions herein.

E. **Provisional Employees:**

1. A provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

(a) There is no one remaining on a List of Eligibles for Appointment willing to accept provisional appointment.

(b) The appointee meets the minimum qualifications for the title at the time of appointment.

(c) The appointing authority certifies that failure to make provisional appointment will seriously impair its work.

2. Any full-time employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his or her title shall be separated from the provisional title. The appointing authority shall be notified by the New Jersey Department of Personnel and shall take the necessary steps to separate the employee within 30 days of notification, which period may be extended by the Commissioner of Personnel for good cause.

3. A provisional employee acquires permanent status after certification is obtained and a working test period completed satisfactorily.

4. Provisional full-time employees shall be entitled to all the benefits of a regular full-time employee to the extent required by law and in accordance with the provisions herein.

F. **Temporary Employees:**

1. Temporary appointment (including the appointment of seasonal employees) may be made to a position in which the job assignment is for an aggregate period of not more than six (6) months in a twelve (12) consecutive month period. A temporary appointment for a maximum of 12 consecutive months may be approved by the Commissioner of the New Jersey Department of Personnel to a position established as a result of a short-term grant.

2. A temporary appointee shall meet the minimum qualifications for the title.
3. Any person who is employed on a seasonal basis shall not be entitled to health and other benefits afforded to full-time County employees.

G. **Part-time Employees (20+ hours):**

1. "Part-time Employee" means an employee whose regular hours of duty are less than full-time of the regular and normal work week for that position or agency.
2. Part-time employees are entitled to the following:
 - (a) **Vacation**. Each part-time employee who works the equivalent of 22 full working days per month shall earn 1 day of vacation leave. (8-hour employees = 176 hours, 7-hour employees = 154 hours).
 - (b) **Sick leave**. Each part-time employee who works the equivalent of 22 full working days per month shall earn 1-1/4 days of sick leave. (8-hour employees = 176 hours, 7-hour employees = 154 hours).
 - (c) The phrase "full working days" as used in 2 (a) and (b) above, with the exception of including in this computation paid holiday time that a part-time employee would have actually worked but for a County observed holiday listed in the County Human Resources Policy Section 1:9-1, the computation of "full working days" only includes time actually worked by the employee and does not include unworked paid leave time, such as, but not limited to: paid sick leave time; paid vacation time; paid bereavement time; or paid compensatory time.
 - (d) **Holidays**. Institutional part-time employees are paid only for those hours that they work on any holiday. Other regular permanent part-time employees shall be paid for that portion of the holiday that they would have been scheduled to work on that day.
 - (e) **Hospital and Dental Programs**. Part-time employees will be covered if they are scheduled for and do work a regular schedule of 20 or more hours during each work week.
3. Part-time employees are not entitled to the following: Personal Days; Bereavement Days; Longevity.

H. **Other**

County Commissioners, Constitutional Officers and members of the Board of Elections shall be treated as full-time employees for purposes of earning and accruing employee benefits.

1:5 **WORKING TEST PERIOD**

A. The working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title.

B. All regular appointments to a title in the career service shall be subject to a working test period, except:

1. Appointments from special, police and fire and regular reemployment lists;
2. Appointments to a comparable or lower related title in lieu of layoff; or
3. Appointments to titles previously held on a permanent basis within current permanent continuous service.

C. During the working test period, an employee shall perform the duties of the title for which appointment was made.

D. An employee who is serving a working test period shall not be eligible for a promotional examination from that title.

E. The working test period shall not include any time served by an employee under provisional, temporary, conditional, grant, other, interim, emergency or part-time appointment. The working test period shall begin on the date of regular appointment.

F. The length of the working test period shall be a period of three (3) months of active service from the date of regular appointment from a New Jersey Department of Personnel Certification, which may not be extended except pursuant to provision (9) below.

G. Persons appointed to entry level law enforcement and correction officer titles shall serve a 12-month working test period. A law enforcement title is one that encompasses use of full police powers.

H. Law enforcement officers who are required by *N.J.S.A. 52:17B-66 et seq.* ("Police Training Act") to complete a police training course shall not begin their working test

period until notification is received by the appointing authority from the Police Training Commission of the successful completion of the police training course. Law enforcement officers who have successfully completed the police training course prior to appointment shall begin their working test period on the date of regular appointment.

I. An approved leave of absence shall extend the completion of the working test period for a period of time equal to that leave.

1:5A WORKING CONDITIONS

1:5A-1 Personal Appearance

A. Purpose

This policy is intended to describe guidelines on what is considered appropriate dress for Middlesex County employees. These guidelines are not intended to be all-inclusive, but rather should help set the general parameters for appropriate attire and allow employees to use good judgment and common sense about items not specifically addressed.

It is management's intent that work attire should complement an environment that reflects an efficient, orderly and professionally operated County organization. While working, each County employee represents Middlesex County. This policy is intended to define appropriate "professional business attire" Monday through Thursday, during normal business operations and "casual business attire" on Fridays. Personal appearance and hygiene play an important role in projecting a professional image the County presents in the community and to residents and visitors. Therefore, employees should dress in a manner that is consistent with this policy and their responsibilities, with attention to safety and the image they project to the public as Middlesex County employees.

B. Professional Business Attire

For Men: Professional business attire for men means dress pants, with a dress shirt worn with a jacket or tie.

For Women: Professional business attire for women shall mean a skirt or dress slacks with a dressy blouse and/or sweater, cardigans or other types of tops with a jacket.

The intent of professional business attire is to ensure that County personnel are dressed appropriately to meet with the public at a moment's notice. (Slacks that are similar to Dockers and other makers of cotton or synthetic material pants, wool pants, corduroys, dressy capris and nice-looking dress synthetic pants are acceptable)

C. Uniforms

Where uniforms or any consistent pattern of attire may be required by a department, County employees must wear a well-maintained uniform or a consistent pattern of attire at all times while at work. The wearing of shabby or worn uniforms reflects adversely on Middlesex County. For those employees not required to wear a uniform or consistent pattern of attire, their clothing must be appropriate for their position and fall within the guidelines of this policy.

D. Inappropriate/Unacceptable Attire

Office personnel should not wear clothing that is inappropriate, distracting, provocative or too revealing, such as: denim jeans (blue or any other color); sweatpants; exercise pants; Bermuda shorts; short shorts; shorts; bib overalls; leggings; and any spandex or other form-fitting pants such as people wear for biking. No dresses, skirts or tops that may be considered inappropriate for the office may be worn. Inappropriate attire for work includes, but is not limited to: stretch/yoga or exercise pants of any kind; tank tops; midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons or slogans; halter-tops; tops with bare shoulders; and sweatshirts and t-shirts, unless worn under another appropriate blouse, shirt, jacket or dress. Flashy athletic shoes, thongs, flip-flops, slippers and sneakers are not acceptable in the office.

E. Casual Business Attire

The key point to sustaining an appropriate casual business attire program on Fridays is the use of common sense and good judgment. If you question the appropriateness of the attire, it probably isn't appropriate. Appropriate casual business attire may be permitted by the Department Heads on Fridays unless business meetings or public contact require more formal business attire. Appropriate casual business attire may also be permitted by Department Heads when job tasks make such attire desirable. Casual business attire is a more casual dress such as casual slacks, khakis or Dockers style pants and a logo polo-type shirt or other types of collared shirts or sweaters (for men) or blouse, dressy tee, polo shirts, sweater, culottes, skorts, or split skirts, walking shorts, casual slacks, capris must be mid (not upper) calf (for women).

F. Employees Who Work With Machinery

If an employee works with machinery, he or she must watch out for clothing being caught in the machinery; must always wear proper safety clothing, County required paraphernalia and remove all jewelry and keep hair neatly tied or pulled back from face and eyes by wearing a hair net or securing it with an elastic band.

Department Heads can specify additional or alternative dress and grooming requirements based on the business needs of their departments or requirements necessary for employee safety and comfort.

G. Violations of the Personal Appearance Policy

If clothing fails to meet the standards set forth herein, as determined by the County Administrator, Office of Human Resources and the employee's Department Head, the employee will be asked not to wear the inappropriate item to work again. If questionable attire is worn in the office, the respective Department Head, supervisor/manager, will hold a personal, private discussion with the employee to advise and counsel the employee regarding the inappropriateness of the attire. If the problem persists, the employee may be sent home to change clothes and will receive a verbal warning for the first offense. If an employee is sent home, he or she will be required to use either personal or vacation time. ~~Progressive~~ Disciplinary action may be applied if dress policy violations continue.

H. **Exceptions to the Policy**

Reasonable accommodations will be made for employees' medical conditions or religious beliefs consistent with business necessity to present a professional appearance to the public. Certain other special circumstances (e.g., snowstorm, moving days) may warrant relaxing the dress code policy at the discretion of management.

The County of Middlesex reserves the right to continue, extend, revise or revoke this policy at its discretion. Enforcement of this guideline is the responsibility of County Department Heads and supervisory personnel.

1:5A-2 Attendance and Punctuality

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. Employees who are unable to work as scheduled shall, unless otherwise provided by Department Head or bargaining unit, call in no later than the start of their workday to report an absence or tardiness. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible of the anticipated tardiness or absence and in accordance with the County Human Resources provisions or bargaining unit agreement. Poor attendance or excessive tardiness are disruptive; either may lead to disciplinary action up to and including termination of employment.

1:5A-3 Employee Conduct and Work Rules

To assure orderly operations and provide the best possible work environment, the County expects employees to follow rules of conduct that will protect the interests and safety of all employees, County government and the public. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The consumption of alcohol and/or the use of a controlled dangerous substance without medical authorization during working hours is strictly prohibited.

1:5A-4 Breaks

During each workday, full-time employees are provided with a fifteen (15) minute break for each half (½) day period of work (morning and afternoon). Equivalent periods for shift work shall be also considered half (½) day periods of work. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted break time. If an employee wishes to smoke, he/she must do so within the time frame allotted for daily breaks. The timing of the break is at the discretion of the Department Head.

1:5A-5 Confidentiality (Requests by employees/requests by public made to employees)

All employees are responsible for holding confidential any non-routine information they obtain while performing their job functions or otherwise obtain during the course of their employment. If a request for information is made, or the employee otherwise wants to disclose it, and the employee is uncertain as to whether the information is routine or not, or appropriate for disclosure to others, the person requesting such information or the employee seeking to disclose it, shall put their request in writing to be reviewed by the Department Head and County Counsel, if necessary, for authorization to release such information.

1:5A-6 Use of Equipment

A. Equipment essential in accomplishing job duties is expensive and may be difficult to replace.

B. Except where otherwise provided, County property shall not be used for any other purpose than County business. Failure to obey by this shall be grounds for discipline, up to and including termination.

C. When using County property, employees shall exercise care, perform required maintenance, and follow all operating instructions, safety standards, guidelines, and laws. Improper, careless, negligent, destructive, or unsafe use or operation of equipment may result in reimbursement of damage costs and disciplinary action up to and including termination of employment.

1:5A-7A County Computer, Lap-Top, Cell Phone, E-Mail and Internet Use Policy

A. County computers shall be used for County business purposes only and shall not be used for an employee's personal use or improper use. Employees shall be prohibited from installing unauthorized software and using personal or non-County issued flash drives on County computers.

B. It shall be a violation of this policy to use a County computer, e-mail, or the internet for harassment of any other person, be they a fellow employee or third party, or to create a hostile work environment, including, but not limited to, sending racially or sexually discriminatory or offensive messages, or viewing pornographic or other materials inappropriate for the workplace.

C. The County reserves the right to inspect and monitor employees' use of County computers at any time, and to inspect all files and materials on the computer or that were deleted from it. The County reserves the right to inspect its employees' County computer, e-mail and internet usage, and the employee should not have any expectation of privacy as to their use of County computer equipment, e-mail and internet use.

D. The improper, unauthorized use of County computer equipment may result in discipline up to and including termination.

E. THE COUNTY HAS AN ABSOLUTE RIGHT TO MONITOR AND AUDIT EMPLOYEE USE OF COUNTY PROPERTY, INCLUDING COMPUTERS, E-MAIL, THE INTERNET, TELEPHONES, FAXES AND TO DISCIPLINE, UP TO TERMINATION, FOR MISUSE.

F. County management shall have the right to monitor, proscribe or limit an employee's public comments or personal opinions, while using County property, email, social media or related equipment, in a such a manner that may be perceived by the public as being reflective of an official County opinion or position, that wasn't otherwise approved by County management. County management reserves these rights during the course of a County Employee's work day, or paid leave of absence, or otherwise appearing to act in their official capacity as an employee of the County. This includes oral communications and memorialwritten statements conveyed to the public in electronic or hard copy format, which includes, but is not limited to, hash-tagged or quoted slogans, statements, memes, symbols, graphics, or any combination of any numerals, alphabetical letters, punctuation marks, other than for their normally recognized use.

G. In certain instances, the County issues laptop or notebook computers to its employees, who may take these computers home. Any employee to whom a laptop or notebook computer is issued shall be responsible to maintain the security and integrity of all proprietary and confidential information contained in the computer. An employee may be subject to disciplinary action, through and including termination for the failure, for any reason whatsoever, to protect the security and integrity of any proprietary or confidential information.

H. While on authorized lunch break or morning, afternoon or evening work break, employees may use their personal cell phones, iPads, laptop computers and any personal electronic communication devices, provided that such use is either off County premises, or is outside their Department work area and is in a common area such as the lunchroom on the **basement** of the County Administration building or in the lobby of the building, provided that

such use is not disruptive of other persons on County premises, unless the employee has the express pre-authorization of their Department Head or a duly authorized designee of their Department Head, to use such a device in a designated closed office or other closed space, in their department so as not to interfere with, or pose a disturbance to, other employees working at their jobs or to any member of the public.

I. Employees may use personal computers (i.e. laptop, tablet, smart phone, or other electronic modality) to access the County intranet outside their County working hours, but may not use personal computers to access the County intranet during their County working hours, inclusive of break time.

J. County Email Signature Blocks, which includes the official confidentiality statement, shall be consistent and uniform with the terms of this Policy and any and all guidelines issued by the County of Middlesex. The use of any illustrations, graphics, quotes or logos etc. that otherwise reflects an employee's personal view, position or opinion, that is placed in the County Email Signature Block, which implies or appears to suggest an official County position must be approved by the Office Director, Department Head and County Administration. The specific terms of the County e-mail policy are set forth in the "Electronic Mail Policy, Middlesex County Government, State of New Jersey" adopted by the Board of County Commissioners on December 28, 2005 pursuant to Resolution #05-2290, which may be subject to changes at the discretion of the Board of County Commissioners.

K. No County Employee shall configure or have configured a personal cell phone to receive, send or store Middlesex County emails.

1:5A-7B Social Networking Policy

A. Employees may not engage in social networking while on the job, during scheduled work periods, unless it is specifically job related and is with the express pre-authorization of their Department Head, or a duly authorized designee of the Department Head.

B. Employees shall turn off any personal cell phones, iPads, laptop computers and any personal electronic communication devices that they may have on or about their person, or that they may bring into the workplace, while they are on the job during scheduled work periods, unless they have the express pre-authorization of their Department Head, or a duly authorized designee of their Department Head. Such use shall be limited to use for either authorized County business or for a pending serious personal emergency, of limited duration, for which the employee must be reached and cannot be reached as effectively by any other traditional means, such as the office telephone system, in which case such use shall not be undertaken in such a manner as to cause any disruption of work in the workplace.

C. County computer equipment may never be used for social networking by employees unless it is expressly for County business and unless it is with the express pre-

authorization of the employee's Department Head or a duly authorized designee of the Department Head.

D. Personal use of county computer equipment is prohibited and the County reserves the right at all times to monitor and inspect the use of County computer equipment by any of its employees. Employees do not have any right of privacy to their use of County computer equipment.

E. Discipline, up to and including possible termination, may result if a County employee makes, participates in making, transmits, publishes, expresses, or reproduces, at any time they are at work, any posting on a website or any transmission that is made over the internet, or by any other means of electronic transmission (collectively referred to below as "communication") that violates County Human Resources Policy or State Civil Service Regulations or a Departmental rule or regulation including, but not limited to, any communication that creates a hostile work environment in violation of the County's Discrimination and Harassment Policy, or constitutes conduct unbecoming a public employee, or is insubordinate, or where discipline is justified for other sufficient cause.

F. Any communication by a County employee that is originally made, transmitted or reproduced outside of that employee's workday, but is seen or heard by a County employee at any time during the course of their County workday, including any break time, may be treated as if such communication was originally made in the workplace during an employee's workday and shall be treated pursuant to Paragraph F above.

G. Creating a fake profile or violating the terms of a service provider, or otherwise concealing one's identity in making, participating in making, transmitting or reproducing any communication that violates this policy, may be grounds for discipline, up to and including discharge.

H. Nothing in this policy, or in its application, shall prohibit legitimate comment that is protected by the First Amendment of the United States Constitution.

1:5A-7C County Social Media Policy

A. The County of Middlesex has an operational need to augment traditional communication channels with the use of social media channels. This section establishes countywide social media use policies, protocols and general procedures intended to mitigate associated risks from use of this technology where possible. The guidelines in this policy are designed to form standards for County employees when incorporating social media into their mission.

B. County Administration, with final approval by County Commissioner Board resolution, shall approve which Social Media outlets may be suitable for official County use. Social Media not approved through this process is prohibited for any Department or Office for any use whatsoever. Middlesex County reserves the right to revise this policy or adjust social media activity.

C. The Office of Communications Director, under the supervision of the County Administrator, County Counsel and County Commissioner Director, or a designee, is responsible for facilitating and maintaining the information displayed and gathered via official social media networks. This includes authority and responsibility to audit department/office use of social media and enforce policy compliance. The social networking sites utilized by the County will assert proprietary functions to log and archive records, as part of their service. Therefore, all communication released by Middlesex County through social networking channels will be retained within each of the respective accounts. In addition, a database of press materials (releases, flyers, remarks, etc.) will be kept, updated and maintained. These records will be accessible by authorized personnel given permissions, as deemed appropriate and/or necessary by County Administration.

D. Middlesex County has adopted a centralized system to administer County communications via Social Media, thus such duties on approved accounts will operate under supervision of County Administration, specifically the Office of Communication. No other departments/offices may set up social media accounts, or claim official purposes for such accounts, as adopted under 1:5A-7B of the Middlesex County Personnel Policy.

E. Employees delegated to maintain the County presence on Social Media Sites are subject to comply with all County policies, including the guidelines of this policy while performing duties on County accounts.

F. Public interaction on social networking sites, on behalf of the County, is limited to and shall only occur on the approved County profiles. No comments or other interaction on behalf of the County of Middlesex shall be posted to other individual or organization accounts, for any purpose. In special circumstances, requests to Director, Office of Communication must be submitted, and approval granted before proceeding.

G. Direct messages to official entities may be allowed via social media if (1) an emergency situation exists (2) the communication is official in nature and required by law or objective; (3) other channels of communication are not feasible and; (4) the communication can be kept confidential and secure between parties involved.

1:5A-8 Use of Telephone System

The County telephone system was installed for County business. Calls not related to County business will only be permitted on a limited and as needed basis. Employees will be

responsible for reimbursing the County for all telephone calls not related to County business to areas outside of Middlesex County.

Notwithstanding anything to the contrary, Middlesex County reserves its right to initiate and impose discipline on any individual who violates any provision of this section.

1:5A-9 Use of Recording and Electronic Transmissions

No person shall electronically transmit or record remarks of County employees or officers other than as may be duly authorized as part of their employment, or as otherwise may be authorized, without the express written consent of all persons being recorded or transmitted. The violation of this policy may be grounds for discipline up to and including termination.

1:5A-9A Use of Camera Phones

Camera phones in the workplace may violate the privacy rights of other County employees, vendors or citizens conducting business on County property, and may also be used to convey confidential information or undermine the County's operation. It is the policy of Middlesex County that the use of camera phones or any other camera or device that may capture and transmit visual images without the prior written permission of the employer is prohibited. Any employee found in violation of this policy will be subject to disciplinary action up to and including termination. An employee in violation of this policy may also be subject to prosecution to the fullest extent permitted under law.

1:5A-10 Damaged, Lost or Stolen Employee Property

The County of Middlesex will not be responsible for any personal property that is damaged, lost or stolen during the employee's working hours and therefore, employees should use caution and discretion as to secure where any valuables are placed in the work place.

1:5A-11 Employee Parking Privilege

Parking is a privilege not a right given by the County to full-time active employees based upon availability in the designated parking areas. The County assumes no liability for any property damage, theft of personal property within vehicle, vandalism or stolen vehicle from said parking area.

1:5A-12 Solicitation

In an effort to assure a productive and harmonious work environment, persons not employed by the County may not solicit, distribute or post literature in the workplace at any time for any purpose. County employees may solicit, distribute or post literature concerning non-work related, non-political events or organizations at the workplace at the discretion of their Department Heads.

1:5A-13 Conflict of Interest

Outside employment or other activities that constitute a conflict of interest is prohibited. Employees may not receive any income, gift, benefit, service or thing of value from other employees or from any third party in exchange for or as additional compensation for materials produced, services rendered, or services expected to be rendered by or for the employee or third party. The burden is on the employee to avoid and, where necessary, dissolve relationships that create actual or potential conflicts of interest. (See Code of Ethics).

1:5A-14 Emergency Volunteer Service

Volunteer First Aid and Fire personnel who are County employees will not be permitted to respond during County work hours to any emergency and shall not be permitted to use a County vehicle for any emergency volunteer purpose, act or incident.

1:5A-15 Vehicle Usage

A. County Vehicle Usage- Employee Responsibilities

1. Any employee utilizing a County vehicle must have in their possession a valid New Jersey Driver's License as well as current registration and insurance documents for the vehicle.
2. All County vehicles are to be used for County business only.
3. County vehicles will be permitted to be used for travel to and from work each day if it has been determined that the arrangement is to the advantage of the County by the Department Head, County Business Administrator and the County Commissioner Liaison. By resolution, the Board of County Commissioners will designate the appropriate title, or titles, of employees authorized to use such cars. Expansions of this resolution will be provided for by amending resolutions. County vehicles shall not be permitted under any circumstances, to be taken out of Middlesex County for commuting to and from work, or for any other non-business purpose, unless such use is specifically authorized by contract, resolution of the Board of County Commissioners or such County employee is on active law enforcement on-call status as determined by the County Prosecutor and/or the County Sheriff.

4. Any County employee authorized to operate a County-owned vehicle, including “pool” vehicles, for any purpose shall be required to supply a valid copy of his/her driver’s license and Driver’s Abstract of their driving record, at the County’s expense and to be reimbursed to the employee, no later than February 15 of each year to their respective Office Directors for their files. The Department Head, together with the Office Director shall have the discretion to review their employees’ driving abstracts and recommend to the County Administrator as to whether it’s in the County’s best interest to permit an employee to continue to operate the County-owned vehicle.

5. It is the responsibility of the employee to secure the keys to the vehicle to ensure that no one other than the employee has access to the vehicle.

6. At no time is anyone other than a Middlesex County employee authorized to drive, or operate, a County vehicle. At no time is anyone other than a County employee on County business authorized to be a passenger in, or occupy, a County vehicle.

7. It is the County’s expectation that all employees who operate a County vehicle to perform their assigned duties, regardless of whether on a full-time, part-time, or occasional basis, does so in a safe manner and shall obey all federal and/or state motor vehicle laws and regulations including, but not limited to, Title 39. Further, individual employees driving County vehicles are personally responsible for any moving violations, parking tickets, etc., while the car is under their responsibility. Such violations shall be reported by the employee to Central Vehicle with a copy to Department Head. The failure to do so may result in the employee being the subject of discipline up to and including termination.

8. All County vehicles should receive fuel from the County pumps. Fuel should not be purchased at private gas stations except in case of emergency.

9. The interiors of all vehicles should be returned in a neat and clean condition. Under no circumstances are personal articles to be left inside of the car or trunk.

10. Under no circumstances will smoking be allowed in a County vehicle.

11. An employee using a pool car shall submit a trip report each day the pool car is used. This report shall provide the following information:

- a. Employee name and department;
- b. Date;
- c. Start mileage;
- d. End mileage;
- e. Purpose of trip; and

f. Condition of vehicle which shall include a basic safety inspection of the car before and after operation, including a visual inspection of the tires, the level of gasoline in the tank, and any damage to the vehicle prior to and after operation. This check list shall include any deficiencies which become apparent during the operation of the vehicle (i.e. oil pressure or fluid gauges).

g. This signed trip report shall be submitted to the employees' supervisor each time a vehicle is used. Reports will then be forwarded on a monthly basis to Central Vehicle.

12. Any damage to a County vehicle must be reported by the employee to Central Vehicle with a copy to the employee's supervisor within twenty-four (24) hours of the occurrence or discovery of the damage.

13. The vehicle registration and insurance card are to be locked in the glove box.

14. The vehicle fuel card (blue) is to be kept in the fuel card plastic holder located over either sun visor. The employee's individual fuel card (white) shall remain with the employee. At no time shall a fuel card from another vehicle be used to fuel a different vehicle. An employee who loses his or her fuel card shall be charged a Five Dollar (\$5.00) replacement fee.

15. Drivers are responsible to notify their department when their assigned County vehicle is due for State inspection. Arrangements should be made, by the department, to have the vehicle inspected at a State inspection center prior to expiration date. Should the vehicle fail State inspection, Central Vehicle must be notified. Central Vehicle will perform the necessary repairs and re-inspect the vehicle.

16. Employees are not to perform any service/repairs on their assigned County vehicle.

17. Employees should not remove, install and/or replace any existing equipment without approval from Central Vehicle. (i.e. remove radio and replace with cassette/audio).

B. Safety

1. All front seat occupants of passenger vehicles must wear seat belts.

2. All children being transported on County business age eight (8) and under must sit in the back seat, and children eight (8) years or younger must be placed in a federally approved car seat.

- a. All such children eight (8) years and under must have a safety restraint when traveling in the County vehicle.
 - b. Such children may not sit in an adult's lap and be buckled in with the adult.
3. When transporting such children with physical or mental disabilities, or adults who are emotionally distraught, it is advisable that an adult family member or second worker accompany the driver.
4. Employees are not permitted to operate County vehicles in an unsafe condition and are to report vehicle problems immediately through a Vehicle Condition Report (VCR) secured from Central Vehicle Maintenance and Repair.
 - a. The defect or problem should be described on the form by the employee driver;
 - b. The form should be signed by the operator and reported to the employees' immediate supervisor and delivered immediately to Central Vehicle Maintenance and Repair.
5. Violation of any of the above may result in disciplinary action.

C. Private Vehicle Usage

1. Insurance Coverage

- a. Each employee who is required to utilize his/her automobile on County business is required to have a valid New Jersey Driver's License, the proper automobile insurance coverage, valid registration and shall present to the County certification of these items.

2. Mileage Reimbursement

- a. Any County employee who uses his/her own vehicle for County business, prior to receiving mileage reimbursement, must first obtain permission from his/her supervisor for such use and may be reimbursed only when a County vehicle was not available.
- b. Employees who are authorized to use their own cars will be compensated at the rate established by IRS statute IT-2013-95 standard mileage rates.
- c. Requests for reimbursement through supervisor-approved vouchers

should be submitted monthly for County action.

d. No payment will be made for mileage reimbursement incurred more than thirty (30) days prior to submitting for County action.

e. Normal commuting costs will not be reimbursed.

D. Work-Related Automobile Accidents

Employees involved in an automobile accident during the work day must follow the following procedures:

1. Exchange licenses, registrations, and insurance cards with the driver of other vehicle.
2. A completed County accident report is to be submitted to the County Insurance Manager, within twenty-four (24) hours of an accident.
3. If the accident involved a personal car, inform your supervisor/Department Head and the County Office of Human Resources of the accident by filing an employee accident report.
4. If the accident involved a County vehicle, the County Office of Human Resources, your Supervisor/Department Head and Central Vehicle Maintenance and Repair must be notified.
5. If police responded to the accident, a copy of the police report should be received as soon as possible and forwarded to the County Insurance Manager.
6. Accidents involving a CDL licensed or safety sensitive employee, having any one of the below listed conditions, must have an alcohol and drug test performed as soon as possible.
 - a. if either vehicle is towed from the scene;
 - b. if a fatality occurs;
 - c. if any person requires immediate medical care away from the scene; and
 - d. County driver is issued a summons for a moving violation.
7. Certain employee titles authorized to utilize County vehicles for commuting purposes due to employee's job duties, on-call status, lack of parking, secured or non-secured. However, the use of County vehicles for commuting purposes shall be in accordance with Resolution #07-1724, as incorporated in this Policy at 1:5A-15A(3).

a. Employees authorized to commute with County vehicles as a result of both job duties and a lack of secure parking:

Adult Corrections

Warden

The Arts Institute of Middlesex County

Director

Business Innovation

Director

Career Opportunity

Director

Consumer Affairs

County Division Head

County Adjuster

County Adjuster

County Administrator

County Administrator

County Clerk

County Clerk

Emergency Management

County Coordinator – Emergency Management

Assistant Emergency Management Coordinator

Fire Mutual Aide Coordinator

Fire Marshal

Engineering

County Engineer

Supervising Engineer

Superintendent of Bridges

Facilities Management

Director

Golf Management

Director

Hazardous Materials Unit

Program Coordinator
Hazardous Materials Specialist

Health Services

Office Director
County Division Head
Management Specialist
Practical Nurse (TB Clinic)
Health Investigator (Health Aide)
Assistant Public Health Nurse Supervisor
Public Health Nursing Supervisor
Regional Dental Health Coordinator
Sanitary Inspector/Registered Environmental Health Specialist
STD Investigator
Courier
Sr. Sanitary Inspector/Sr. Registered Environmental Health Specialist
County Division Head
Sr. Environmental Health Specialist

Highways & Bridges

General Supervisor – Roads
Supervisor – Heavy Equipment
Assistant Supervisor – Roads
Supervisor – Roads
County Road Supervisor
Assistant County Road Supervisor

Human Services

Office Director
Director – I.D.R.C.

Medical Examiner

Medical Examiner
Secretary to Medical Examiner
Investigator – County Medical Examiner's Office
Morgue Attendant
Morgue Custodian

Parks & Recreation

Office Director
Program Coordinator/Special Events
Assistant Supervisor
Supervisor/Parks
Supervising Animal Keeper

Assistant Supervisor Trades/Parks
General Supervisor/Parks

Planning
Director

Prosecutor
County Prosecutor
Chief I.D. Officer
Sergeant
Investigator
Assistant Prosecutor
Lieutenant
First Assistant Prosecutor
Deputy Chief
Captain
Detective
Chief
Victim/Witness Coordinator

Public Property
Director of Public Property
Building Superintendent

Public Works
Director

Purchasing
Purchasing Agent

George J. Otlowski, Sr. Center for Mental Health Care
Mental Health Center Administrator

Rutgers Cooperative Extension Services
Extension Home Economist
Program Assistant/4H Agent
Agricultural Agent

Sheriff
County Sheriff
Chief – Sheriff's Officer
Sheriff's Officer
Chief Warrant Officer
Sheriff's Officer Sergeant/Training Officer K-9 Unit

Director of Investigations & Technical Services
Captain

Solid Waste Management
County Division Head
District Recycling Coordinator
Principal Planner

Superintendent of Schools
County Superintendent of Schools

Weights & Measures
County Superintendent – Weights & Measures
Assistant County Superintendent – Weights & Measures

Workforce Development Board
Employment Counselor
Employment Specialist

Youth Services
Administrator of Youth Services/Juvenile Rehabilitation Facility

- b. Employees authorized to take County vehicles home due to a lack of secure parking or any available parking during the evening. (In the event evening parking should become available, these parking authorizations shall be reevaluated):

Workforce Development Board
Fiscal Manager
Coordinator of Field Operations
Supervisor of Field Operations

Housing & Community Development
Executive Director

George J. Otlowski, Sr. Center for Mental Health Care
Senior Building Maintenance Worker

Environmental Health
Senior Environmental Health Specialist

- c. Employees authorized to travel to and from work while in “on-call” status:

Hazardous Materials Unit

Hazardous Materials Technician I
Hazardous Materials Responder

Health Services

Senior Sanitary Inspector
Environmental Health Specialist
Environmental Investigator
Graduate Nurse – Public Health
Public Health Investigator
Assistant Public Health Nurse/Adult Health

d. Authorized employee titles exempt from maintaining a Daily Mileage Log:

Administrator of Youth Services/Juvenile Rehabilitation Facility
All County Department Heads
All County Office Directors
All County Division Heads
County Adjuster
County Administrator
County Clerk
County Engineer
County Prosecutor
County Sheriff
County Superintendent of Schools
Director of Public Property
All Executive Directors
First Assistant Prosecutor
Mental Health Center Administrator
Purchasing Agent
Warden

1:5A-16 Security Procedures and Display of County ID Badges in County Administration Building

A. All county employees must wear his/her county identification badge visibly displayed while in the Administration Building. This will ensure that county workers will be visibly identified as well as able to assist visitors seeking information and/or directions. Failure to adhere to this directive may result in disciplinary action. All county employees, when entering the Administration Building will be required to have all items scanned and pass through the security detector(s). Upon departing the building, all county employees will exit

through the turn styles. Be advised the turn styles are programmed to allow employees to follow one another (tailgating) before closing.

B. All active law enforcement officers will be required to show identification, and sign-in when entering and sign out when leaving the building. Sign in registers will be located at the security desk.

C. Any non-active law enforcement officer (retired, etc.) or individual(s) with a valid permit to carry a firearm will be required to show identification, receive a visitor's badge, and secure that weapon in the locked box located in the hallway adjacent to the security desk. The possessor of the firearm, along with armed security, will ensure the cabinet is locked. The owner of the firearm will retain the key. Upon conclusion of his/her business, that individual along with armed security will open the box, retrieve his/her respective weapon, and insert the key back into the lock. The individual will return the issued visitor's badge and depart the building through the turn styles.

1:5A-17 Carrying of Weapons

No County employee shall be permitted to carry firearms or weapons while performing their County duties, other than the employees who are authorized and required to carry a firearm due to the nature and scope of their position.

1:5A-18 Workspace Maintenance, Workspace Inspections, and Employee Privacy Expectations

A. Employees are expected to maintain their desks and assigned workspace areas, including cabinets, book cases, closets, storage facilities, computers, printers, telephones, County vehicles, and County equipment (collectively referred to as "County property"), in an appropriate clean and neat condition, as circumstances permit, free from visibly noticeable, or otherwise known, undesirable and otherwise avoidable conditions that are within their means to control and affect, particularly where the failure to do so may present a hazard or threat to the health, safety, or welfare of themselves, other County employees, members of the public, and the like. Accordingly, supervisors shall have the discretion to conduct random inspections of County property used by employees to assure that it is in satisfactory condition and that employees are complying with this Policy.

B. If a supervisor determines that an employee is in violation of this Policy, they shall advise an employee of this determination either orally, in a memo given to them, in the presence of a union representative, that identifies the unsatisfactory condition and that recommends specific corrective action to be taken and the time frame within which such corrective action is to be completed. The employee shall be given a reasonable opportunity to take corrective action. The supervisor, or one of their immediate superiors, shall determine whether such corrective action has been satisfactorily completed in a timely manner. If the employee(s) refuse or fail to take the

recommended corrective action within the time afforded to them to do so, the employee(s) may be subject to discipline up to and including termination.

1:5A-19 **Access to the County Administration Building Outside of Normal Working Hours**

A. Procedure for Authorizing Building Access Cards for the C.A.B. Justification is provided to the Office Director and Department Head via email – includes:

1. Employee name
2. Employee's Department and Office
3. 5-digit number on the back of the Employee's ID card
4. Duration of the requested access

B. Department Head brings the request to the Administrator for approval. Administrator's Office contacts Facilities Management who will: Contact Keating to activate the card; and Notice Department Head and Office Director that the requested access is active

1:6 **DISCIPLINE; REMOVAL; RESIGNATION, EXIT INTERVIEW**

1:6-1 **Discipline**

Procedures for major disciplinary actions regarding permanent employees in the career service and employees serving a working test period shall be governed by *N.J.A.C. 4A:2-1.1 et seq.* Minor disciplinary procedures for permanent employees in the career service and employees serving a working test period shall be controlled by the collective bargaining unit agreement covering the individual employee subject to the minor disciplinary action.

1:6-2 **Removal**

Procedures for removal of permanent employees in the career service and employees serving a working test period shall be governed by *N.J.A.C. 4A:2-2.1 et seq.*

1:6-3 **Resignation**

Unless there are unusual circumstances, an employee is required to give at least 14 days' written or verbal notice to his or her Department Head if his or her resignation is to be considered to be in good standing for consideration for future employment. It should state the reason for leaving and the exact date it will take effect. An employee absent from work without authorization for five consecutive work days will be considered to have resigned from his or her position. Such resignation is not to be considered to be in good standing.

1:6-4 **Exit Interview / Termination and Return of County Property**

A. When employment is terminated, whether by resignation, discharge, layoff, medical termination (where an employee is no longer able to work) or retirement, the employee must contact the Office of Human Resources and attend an exit interview in regard to completion of forms for termination, retirement, continuation of health benefits under COBRA, withdrawing or vesting your pension, applying for retirement allowance, notifying the credit union and/or deferred compensation program. All employees who retire shall be required to sign a "Medicare Part B/Retiree Benefits Acknowledgement Form" during the exit interview.

B. To ensure compliance with this policy, all Department Heads shall:

1. have their employees complete an exit interview form;
2. promptly provide a copy of the employee's completed exit interview form to the County Office of Human Resources; and
3. verify with the employee and the County Office of Human Resources that (a) an exit interview in the County Office of Human Resources has promptly been scheduled; and (b) that an exit interview was completed by the employee in the County Office of Human Resources.

C. The failure or refusal of an employee to complete an exit interview form and to promptly return all County property within their possession, custody or control by no later than the termination of their employment, if not sooner when requested to do so, provided the employee is physically able to do so at the time, may result in a hold being placed on the payment of any final money to them by the County, which hold shall be released upon the employee satisfying the provisions of this policy.

D. Employees are responsible for all property, materials or written information issued to them or in their possession or control. Employees must return all County property immediately upon request or upon termination of employment. The County reserves the right to withhold the cost of any unreturned property or any excess days utilized for vacation, personal, or sick time from the employee's final pay or to otherwise recover any loss through any further judicial proceeding.

E. For all purposes, including but not limited to calculation of accumulated vacation, sick and personal time, an employee's separation date shall be the actual last day of work. No employee will be permitted to remain on the County payroll after the last day actually worked, through use of accrued and unused time.

1:7 PERSONNEL RECORDS

The County Office of Human Resources maintains personnel records for all employees of the County. Such records shall include the individual's application for

employment, dates of appointment, performance appraisals, promotions, job titles, salaries, commendations, disciplinary actions, leaves of any kind taken or accumulated, merit ratings and the like. The personnel records of each current employee shall be made available to an employee upon his or her written request.

1:7-1 Access to Personnel Files

The County Office of Human Resources maintains the official personnel file on each employee. These files are the property of the County and access is restricted generally to the employee's supervisor and/or Department Head and management personnel of the County who have a legitimate reason to review this information. This information is confidential in nature. Former employees may not have access to their personnel files unless approved by County Counsel or labor counsel.

1:7-2 Personnel Data Changes and Acceptance of Mail and Telephone Calls from the County.

A. All County employees must promptly report to the County Director of Human Resources and their Department Head all changes to their current residential address and telephone number at which they can be reached during their regularly scheduled working hours, or in emergencies, whenever such changes occur, even if they are temporary. Changes in mailing addresses, marital status and exemptions for payroll purposes must be reported on IRS Form W-4, which can be obtained from the Office of Human Resources.

B. Status changes such as marriage, divorce, birth of a child, or when a child becomes twenty-six (26) years of age, which affect employee and dependent insurance and COBRA benefits, must be reported to the Human Resources Division within thirty (30) days.

C. All County employees must promptly accept all mail sent to their current official residential address by the County, whether sent by regular or certified mail, return receipt requested. An employee's failure or refusal to accept mail sent to him or her by the County, or to provide the Office of Human Resources with a telephone number at which he or she can be reached if absent during his or her scheduled work time, or case of emergencies, or who refuse or fail to accept calls from the County at such number without good cause, may be grounds for discipline, up to and including possible removal. In addition, an employee may be charged with knowledge of any mail or telephone call from the County that he or she fails or refuses to accept in violation of this Policy.

1:8 HOURS OF WORK; DUAL EMPLOYMENT; SALARY; OVERTIME

1:8-1 Hours of Work.

A. The official workweek of the County shall be a consecutive, Sunday through Saturday repetitive 40-hour week. The Board of County Commissioners, however, may

reduce the hours of work required of employees of a specific department to not less than 35 hours per week.

B. The Board of County Commissioners shall set forth the hours of work for each department, including the amount of time that shall be allowed for lunch. Unless otherwise provided, the customary hours of operation for Middlesex County is 8:30 a.m. to 4:15 p.m. with a forty-five (45) minute lunch period, and two (2) fifteen (15) minute breaks.

C. Work schedules vary by department. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times. Flexible schedules may be necessary to encompass evening meetings and to alleviate the necessity for overtime.

D. Due to the special nature of their work, as recognized by the Fair Labor Standards Act, Department Heads and professionals may maintain different hours of work than regular employees.

E. **Extended Work Hours:** The County may have extended work hours on Tuesday from 8:00 a.m. to 6:30 p.m. in accordance with the provisions at Resolution #04-1144 adopted on July 15, 2004, as amended by Resolution #05-2239 adopted on December 15, 2005, and Resolution #06-1118 adopted on July 20, 2006.

1:8-2 Dual Employment.

A. General Career Service Employees and Unclassified Personnel - Permission Required

No County officer or employee shall accept outside employment or engage in outside business activities without the prior approval of the Department Head. Application for permission to accept outside employment shall be in writing to the Department Head and shall set forth pertinent information concerning the type of work to be engaged in, the name and address of the prospective employer and the hours of such employment. No application for permission to accept outside employment shall be approved by the Department Head if, in his or her judgment, there is any reasonable probability that such outside employment may interfere with an employee's performance or compromise an employee's position with the County through a conflict of interest, or if such employment exceeds 20 hours per week.

B. Career Service Department Heads and Professionals and Unclassified Department Heads and Professionals - Permission Required

1. No County officer, Department Head, or Professional employee shall accept outside employment or engage in outside business activities without the prior approval of the County Commissioner Chairman of the Committee to which the employee's Department is assigned. Application for permission to accept outside

employment shall be in writing to the County Commissioner Chairman and shall set forth pertinent information concerning the type of work to be engaged in, the name and address of the prospective employer and the hours of such employment. No application for permission to accept outside employment shall be approved by the County Commissioner Chairman if, in his or her judgment, there is any reasonable probability that such outside employment may interfere with an employee's performance or compromise an employee's position with the County through a conflict of interest, or if such employment exceeds 20 hours per week.

2. No County officer or employee shall perform work or services for his/her superior without first obtaining prior approval of the County Commissioner Committee to which the Department is assigned.

3. If found that a County employee has applied and been denied approval for Dual Employment, or, has never applied for but continues to work his/her other job after it is verified by the department that the employee is working two jobs and the Department Head denies approval for same, this shall be cause for discipline up to and including possible removal for insubordination and/or other sufficient cause.

1:8-3 Salary

A. The salary of all unclassified employees is established by the Salary Schedule adopted by the Board of County Commissioners each year.

B. The salary of all career service employees is that amount which is established by the Salary Schedule adopted by the Board of County Commissioners each year. No full-time career service employee can be paid a salary lower than the minimum nor higher than the maximum for his or her job title as set forth in the County Salary Guide.

C. Effective January 1, 2018, paychecks are received semi – monthly, on the 15th and the last day of each calendar month, except as altered by Board of County Commissioners resolution. If a pay day falls on a holiday or a weekend, paychecks will be distributed on the closest possible weekday before the holiday or weekend.

D. Employees are subject to payroll deductions for Federal Income Taxes, State Income Taxes, Social Security, State Unemployment Insurance, State Disability Insurance, Garnishment (if applicable), and, if permanent, the Public Employees' Retirement System. The County will make voluntary deductions relating to: dental plan, Public Employees' Charitable Contributions Campaign, savings bonds, deferred compensation, Public Employees Retirement System (PERS), contributory life insurance and credit union, in accordance with written authorization from the employee, from the employee's semi - monthly paycheck.

1:8-4 Overtime / Compensatory Time

A. To the extent that an employee is eligible to receive overtime and compensatory time, eligibility shall be determined consistent with the Fair Standards Labor Act and State regulations. Certain executive, managerial, administrative and professional employees may be exempt from overtime pay consistent with the above act/regulations.

B. Overtime or compensatory time is only granted upon prior written Department Head or supervisory approval unless an emergency exists. Overtime or compensatory time will be calculated on a weekly rather than daily basis.

C. All employees shall be expected to complete their work in the time allotted for the normal working day. Any full-time employee scheduled to work beyond their regularly scheduled workweek shall be paid at the rate of time and one-half in pay. Compensatory time (at the rate of time and one-half) may be used instead of paying overtime, provided it can be granted in accordance with the Fair Labor Standards Act (FLSA). Further, pursuant to FLSA, authorized paid time off such as paid sick leave, vacation, bereavement, personal and holiday or authorized comp-time will not count toward the regularly scheduled work week. For purposes of calculating overtime or comp-time, an employee must work the actual 35/40 hours before being eligible for overtime/comp-time.

D. Full-time employees scheduled to work on Saturdays, or Sundays as the sixth consecutive workday, shall receive time and one-half.

E. Full-time employees scheduled to work on a holiday or a seventh consecutive workday, be it a Sunday or a Monday, shall be paid at the rate of time and one-half (1½) for the first four (4) hours of work. The second four (4) hours of work will be paid at double time (2x) the rate of pay.

F. The following holidays shall be paid at double time unless otherwise provided by Union contract, when an employee is requested to work on these holidays: New Year's, July 4th, Christmas Day, Memorial Day.

G. Overtime or compensatory time shall be scheduled on a reasonably equalized basis where such work is in the nature and normal routine of the job and should be appropriately documented by Department Head/supervisor per employee, with dates and hours earned, paid, used and accrued.

H. Employees called to work by the Roads Supervisor, Parks Superintendent, Superintendent of Public Property or any other designated representative of the Employer shall be paid a minimum of four (4) hours for after-hours call-in pay in the event of an emergency.

I. All of the above shall be in accordance with the provisions of the Fair Labor Standards Act and in no case shall supersede a negotiated labor contract.

J. This overtime/compensatory time provision shall pertain only to general career service employees and unclassified personnel. This provision shall not pertain to career service and unclassified Department Heads and professionals, consistent with the Fair Standards Labor Act and State regulation.

K. Compensatory time earned on a weekly basis shall be carried and used by the end of the calendar year earned, except for any time earned in December of that year which shall be allowed a carry-over of thirty (30) days into the next calendar year. Except as herein provided, any time earned but not used prior to December 31st of the calendar year shall be forfeited.

1:9 HOLIDAYS; VACATION; PERSONAL DAYS, CONVENTION LEAVE

1:9-1 Holidays

A. The following official holidays with pay shall be observed by the County:

- | | |
|----------------------------------|--|
| 1. New Year's Day | 8. Labor Day |
| 2. Martin Luther King's Birthday | 9. Columbus Day |
| 3. Washington's Birthday | 10. General Election Day |
| 4. Good Friday | 11. Veteran's Day |
| 5. Memorial Day | 12. Thanksgiving Day and the
Friday following |
| 6. Juneteenth | 13. Christmas Day |
| 7. Independence Day | |

B. If a holiday falls on a Sunday, it shall be observed on the following Monday, and if a holiday falls on a Saturday it shall be observed on the preceding Friday.

C. In the event that an official holiday is observed during an employee's vacation, he shall be entitled to an additional vacation day; and should an official holiday occur while an employee is on sick leave, he shall not have that holiday charged against his sick leave.

D. To be eligible to receive holiday pay, employees must work their scheduled work day immediately prior to and immediately after the holiday, unless they are absent on an authorized leave for which the employee is eligible, and if required by the County shall provide satisfactory documentary support to establish a bona fide basis for the absence. Disciplinary suspension absences immediately prior to or after a holiday shall disqualify employees from eligibility for holiday pay.

1:9-2 Vacation

A. A new full-time employee shall be granted vacation time only at a rate of one (1) day per month on a month to month basis until the completion of one full year of continuous (active) employment. Upon completion of said year, a pro-rata number of vacation days shall

be credited to the employee for the balance of the calendar year ending December 31st. Thereafter, beginning January 1st an employee shall be credited in advance with their full allotted vacation, subject to pro-rata adjustments due to unpaid leave of absences other than for unpaid military leave.

B. All vacation ~~days~~ time earned by an employee in a calendar year must be used by the end of the calendar year unless the Department Head gives permission to carry over to the next year days earned and not used within the year due to pressures of County business. Any unused vacation may be carried forward into the next succeeding year only, unless an inability to use a prior year's vacation time is due to an employee's workplace injury leave.

C. If an employee requests, and is approved for an Unpaid Leave of Absence (FMLA, and/or FLA, and/or Medical, and/or Personal), or is on an Unpaid Suspension, resulting in vacation time not being earned for any particular month, and if it is determined at the end of any calendar year that such time was used by the employee, but not earned by the employee, then such taken but unearned paid leave time shall be either reimbursed to the County from the employee's final pay for the calendar year, or deducted from the employee's vacation time balance as of January 1st of the immediately following calendar year so as to reimburse the County of such outstanding balance in full.

D. If separation occurs before the end of ~~the~~ any calendar year and more paid vacation time has been taken than has been earned, then the per diem rate of pay for the excess ~~days~~ time shall be deducted from the employee's final pay. If the employee's final pay is insufficient to cover the full amount due to cover unearned paid leave time used by the employee, then the employee will be notified in writing of such balance due for used but unearned paid leave time and will be provided with details of how to reimburse the County for such outstanding balance due. The County reserves the right to seek full reimbursement of any outstanding balance due through legal proceedings.

E. All employees shall be granted vacation ~~leave~~ time based upon the Vacation Earnings Schedule, which is accessible through the Employee Self Service (ESS).

1:9-3 Personal Days

All full-time employees shall have four (4) personal holidays in addition to those above for any personal purpose. Personal holidays may not be carried over to the following year, regardless of the reason why they could not be used. Personal holidays may be taken on separate days or consecutively; however, the employee should, whenever possible, give the employer one (1) day notice for each personal holiday to be taken. Employees shall accrue one (1) personal holiday at the end of each third month of employment and severance pay shall be calculated considering personal holidays on the basis of one accrued personal holiday per third month of employment completed in the year said employment is terminated.

If an employee requests, and is approved for, an Unpaid Leave of Absence (including FMLA, and / or FLA, and / or Medical, and / or Personal), or is on an Unpaid Suspension, resulting in paid personal time not being earned for any particular month, and if it is determined at the end of any calendar year that such time was used by the employee, but was not earned by the employee, then such taken but unearned paid leave time shall be either reimbursed to the County from the employee's final paycheck for the calendar year, or deducted from the employee's personal time balance as of January 1st of the immediately following calendar year so as to reimburse the County for such outstanding balance in full.

If separation occurs before the end of any calendar year and more paid personal time has been taken by the employee than has been earned, then the per diem rate of pay for the excess time shall be deducted from an employee's final pay. If the employee's final pay is insufficient to cover the full amount due to cover unearned paid leave time used by the employee, then the employee will be notified in writing of such balance due for used but unearned paid leave time and will be provided with details of how to reimburse the County for such outstanding balance due. The County reserves the right to seek full reimbursement of any outstanding balance due through legal proceedings.

1:9-4 Emergency Use of Vacation or Personal Days

An "emergency", for purpose of an employee's authorized absence from work on an available paid personal or vacation day, refers to a sudden and unexpected event either of a personal nature, or that otherwise requires immediate action or attention by the employee, which if not provided by the employee could have an adverse consequence or effect, but is not a substitute for sick leave.

1:9-5 Convention Leave

Any county employee who is entitled to Convention Leave With Pay pursuant to the appropriate provisions of New Jersey Statutes and Administrative Code, must submit a prior written request to his or her Department Head and Office of Human Resources. The written request must be submitted within 48 hours of the employee becoming aware of the convention he or she will attend. The notice must contain the dates and location of the convention and include a copy of the written notification from the appropriate organization stating that the employee is a duly authorized delegate. After the convention, the employee must submit to his or her Department Head a certificate of attendance indicating the delegate's attendance.

1:10 COUNTY BENEFITS PROGRAM

1:10-1 Health Benefits

A. Health benefits are offered to all eligible employees working a regular schedule of twenty (20) hours or more per week excluding temporary, seasonal, or other

categories of employees. Benefits become effective, with appropriate documentation, after sixty (60) calendar days of employment.

1. The County offers a traditional health plan, a Point of Service (POS) Plan and a limited selection of HMO's.
2. Specific information regarding cost sharing provisions for each health benefit plan is available in the Office of Human Resources.
3. The Middlesex County Joint Health Insurance Fund (MCJHIF) sponsors these medical insurance plans through a self-insurance arrangement with several other public entities in Middlesex County. Unless otherwise covered by a collective bargaining agreement, the following shall apply to all County employees.

B. **Dental coverage** is effective, with appropriate documentation, after sixty (60) calendar days of employment. Traditional and DHMO (managed care) plans are available. Information may be obtained in the Office of Human Resources.

C. **Prescription coverage** is effective, with appropriate documentation, after sixty (60) calendar days of employment. Coverage includes all medications which require a physician's prescription by State or Federal regulation. Medications must be FDA approved for treatment of the condition for which they were prescribed. A three-tiered plan exists regarding any applicable co-pay. Further information may be obtained from the Office of Human Resources.

D. **Vision Care Program**

1. The County shall reimburse costs of vision care for its employees who have been continuously employed for more than sixty (60) days to the extent set forth below. The vision care allowance shall be limited to payments every other year or not more than once every two (2) calendar years. This benefit shall not be cumulative.

Eye Examination	\$50.00
Lenses & Frames	<u>\$90.00</u>
Combined Cost	\$140.00

2. Employees shall submit a receipted invoice with name, date examined, type of lenses and amount of charges with a signed voucher to the Office of Human Resources, within sixty (60) calendar day of purchase date, and/or date of service. The submission of the required documentation after this period will be considered untimely, and not eligible for reimbursement.

3. Eligible employees are entitled to one reimbursement every two (2) year period from the date of the last purchase and/or service date.

E. **Health and Hospitalization Insurance**

1. **Eligibility**

a. All County employees on the County payroll for not less than sixty (60) days or on July 1, 1999, whichever shall be later, and their eligible dependents shall be eligible to enroll in any of the County offered medical insurance plans subject only to the provisions and limitations specifically set out in the Human Resources Policy Manual. Employees who enroll in any medical insurance program shall log in on Employee Self Service (ESS) acknowledging the offered programs and their selection of a specific plan.

b. Employees must make life changes to their County provided health benefits within thirty (30) days of such a change occurring. This includes, but is not limited to, address changes, marriages, births, adoptions, etc. Except for the address change, these changes must have supporting documentation, such as a marriage certificate, birth certificate or court document. An employee must remove an ex – spouse within thirty (30) days of the divorce. The Office of Human Resources is required under Federal law to offer COBRA coverage to the ex –spouse. In the event the employee does not timely remove the ex-spouse within the specified days, the employee may be required to reimburse the County the cost of the pro-rated monthly premium each month the ex – spouse remained on their County provided Health Benefits. The County reserves the right to recover from the employee any premiums advanced by the County for such coverage that has been provided, but for which an employee is not otherwise entitled to receive, through possible legal proceeding.

2. **Level of Benefits**

a. The County, through the Middlesex County Joint Insurance Fund, MCJIF, shall continue to provide to all eligible employee and their qualified dependents on the payroll as of the approved resolution the (3) HMO options, as available on January 1, 1999 equivalent to the pre-existing plans, and POS and Traditional Indemnity Coverage. It is recognized that there are significantly greater premium costs with the Traditional Indemnity Coverage, as such only employees and their dependents who are currently enrolled in the Traditional Indemnity Plan as of the date of this resolution shall be permitted to continue such coverage. If any such employee or eligible subscriber shifts medical coverage to any other plan, they shall not be permitted subsequently to reenter the Traditional Indemnity Plan at a later date. Employees and their eligible

dependents currently enrolled in any other medical care plan may not subsequently enroll in the Traditional Indemnity Plan.

3. Employee Contribution to Premium Costs

Employees who are serving an unpaid disciplinary suspension shall be required to pay the Health Benefit premiums while on suspension.

In accordance with Chapter 2, P.L. 2010 and Chapter 78, P.L. 2011, all County employees shall contribute toward the premium payment for the continuation of their County provided Health Benefits by whichever contribution amount is the highest under one of the following:

- a. Chapter 2 – 1.5% of their annual salary
- b. Chapter 78 – based on the following four factors:
 - i. Pensionable salary;
 - ii. A percentage of what the County pays for each employee’s health premium costs;
 - iii. The selected level of coverage;
 - iv. Phase-in year, the current flat rate; or
- c. Current flat rate as set forth below, whichever is greater.

<u>Salary Level</u>	<u>% of Cost of Selected Plan</u>	<u>Annual Ceiling Contributions</u>
\$25,001-\$30,000	25%	\$400
\$30,001-\$35,000	35%	\$650
\$35,001-\$40,000	45%	\$900
\$40,001-\$45,000	55%	\$1,250
\$45,001-\$50,000	65%	\$1,500
\$50,001+	75%	\$1,750

The costs of premiums for the respective plans selected by the employee and their eligible dependents shall be calculated by the County on a bi-weekly basis using current salary and adjustments to deductions (where needed), will be performed accordingly. Such computations shall be based on the rated costs provided by the plan administrator.

Employees who are serving an unpaid disciplinary suspension shall be required to pay the Health Benefit “Monthly Premium” amount each month while on suspension. The failure to do so may result in the cancellation of their County provided Health Benefits due to non – payment. The County reserves the right to terminate coverage that is not timely paid for, as required by the County Office of Human Resources, with notice to the employee, and the County reserves the right to recover from an

employee any premiums advanced by the County for such coverage that has been provided, but for which an employee is not otherwise entitled and has not paid for when due. Recovery of any sum due may be from an employee's salary upon his or her return to work, if and when such occurs, or by legal proceeding, or both, at the discretion of the County.

1:10-2 Continuation of County provided Health Benefits for Employees on Unpaid Medical Leave of Absence Other than FMLA or FLA Leaves, or Other Legally Required Leave

A. All employees who are actively enrolled in County provided Health Benefits, and who are authorized to receive an unpaid leave of absence other than, or after, an FMLA leave (regular or military) and/or FLA leave, or subject to section 1:13-5A below, may for such other leave, or extended leave, retain their existing coverage for a limited period of time up to a total of twelve (12) months (inclusive of FMLA, and/or FLA, or other legally required leave), provided that the employee timely remits the full payment of the contribution amount normally deducted from their paycheck, in accordance with Chapter 78, P.L. 2011,, and the following qualifications are met:

B. The employee must timely request in writing, and be granted, a non-FMLA leave or a non-FLA leave, or an extended authorized unpaid leave of absence, either following the expiration of a FMLA leave or FLA leave, or some other authorized leave.

C. Upon request, the employee shall supply a physician or clinician's certification of illness or serious health condition and other information requested by the County relevant to the request. The employer retains the right to substantiate such illness or condition through examination by a physician or clinician of its choice and at the employer's expense, and receipt of documentation from the employee's health care provider(s) through the cooperation of the employee, as may be required by the County.

D. It is further understood and agreed that all such leaves of absence are obtained by formal action of the Department Head with the approval of the Board of County Commissioners.

E. The employee shall pay on a monthly basis to the County, through arrangement with the County Office of Human Resources, in advance of the expiration of coverage the monthly premiums required for continuation of the employee's coverage, and the monthly premiums required for coverage of the employee's dependents, if such coverage is requested by the employee, as arranged for by the County Office of Human Resources.

F. Upon completion of a leave period, if an employee does not return to work, an employee may be eligible for continued coverage for the appropriate time period remaining under the provisions of Federal COBRA legislation.

G. The County reserves the right to terminate coverage that is not timely paid for, as required by the County Office of Human Resources, with notice to the employee, and the County reserves the right to recover from an employee any premiums advanced by the County for such coverage that has been provided, but for which an employee is not otherwise entitled and has not paid when due. Recovery of any sum due may be from an employee's salary upon his or her return to work pursuant to arrangement with the County Office of Human Resources, or by legal proceeding, or both, at the discretion of the County.

1:10-3 Coverage Termination / Continuation

A. Effective January 1, 2014, a County employee who has submitted an application for a disability retirement, and is awaiting a decision being rendered by the State of New Jersey, Division of Pensions and Benefits, shall submit payment of the contribution amount normally deducted from their paycheck, in accordance with Chapter 78, P.L. 2011, for the continuation of their County provided Health Benefits (medical, prescription, and dental), which is due the first of each month that their application for disability retirement is pending. If the employee fails to submit payment for the continuation of their County provided Health Benefits, then the County reserves the right to discontinue providing the benefits without further notice, and reserves the right to recover from an employee any premiums advanced by the County for such coverage that has been provided, but for which an employee is not otherwise entitled and has not paid for, through possible legal proceeding.

B. If the application for disability retirement is approved, then the County shall reimburse the employee/retiree for any payments they have submitted for the continuation of the County provided Health Benefits for each month after the effective date of their retirement.

C. If the application for disability retirement is denied, or if the employee is approved for a retirement with less than the required twenty-five (25) years of service, or if approved for a deferred retirement, then the County reserves the right to recover from the employee any premiums advanced by the County for such coverage that has been provided, but for which an employee is not otherwise entitled through possible legal proceeding. The employee will be offered to continue their coverage through COBRA.

1:10-3A Coverage Continuation/Termination Upon Filing for Disability Retirement

A. If the employee timely files an appeal of the Division of Pensions & Benefits' denial of their application for disability retirement, and has notified the County's contracted COBRA administrator of their election of the COBRA offering, and timely remits the full payment per month to the County's contracted COBRA Administrator for the continuation of such coverage while their appeal is pending, and their appeal is ultimately granted, then the employee will only be reimbursed the payments they have made to the County's contracted COBRA administrator during the period while their appeal was pending, upon the County's receipt of proof such payments were made by them. The County assumes no

responsibility or liability whatsoever for the reimbursement of any payments made by the employee that would not be otherwise covered by the health benefits plan through the County.

B. If the employee timely files an appeal of the Division of Pensions & Benefits' denial of their application for disability retirement, and either failed to notify the County's contracted COBRA administrator of their election of the COBRA offering, or has failed to timely remit the full payment per month to the County's contracted COBRA Administrator for the continuation of such coverage throughout the appeal process, then the coverage will automatically be cancelled without any further notice. The employee will not be eligible upon the occurrence of a lapse in coverage thereafter to receive any other offering for the continuation of their County provided Health Benefits. In addition, any related expenses they may have incurred in regard to their health care during the period their appeal was pending will be their sole responsibility. The County assumes no responsibility or liability whatsoever for the reimbursement of any payments made by the employee other than those made to the County's contracted COBRA administrator.

1:10-3B Disqualification for County Premium Free Medical, Health or Prescription Benefits; Lapses in Coverage; Required Language in Related Settlement Agreements

A. GOOD STANDING REQUIRED FOR BENEFITS. Employment in good standing with the County of Middlesex is a condition of employment with the County. This is a condition precedent for County employees, who apply for and are granted ordinary or accidental disability retirement payments from the State of New Jersey Division of Pensions and Benefits, to receive County premium free medical, health, or prescription benefits.

B. DISCIPLINE, TERMINATIONS AND RESIGNATIONS. If a County employee has been served with a Preliminary Notice of Disciplinary Action ("PNDA") for their termination on a ground other than medical inability, or a Final Notice of Disciplinary Action ("FNDA") is issued terminating the employee on a ground other than medical inability, or alternatively if an employee submits their resignation to avoid disciplinary charges and being terminated on a ground or grounds other than for medical inability, and the resignation is deemed by the County to be "not in good standing," then such employee, or former employee, shall not be eligible for, or entitled to receive, County premium free medical, health or prescription benefits, regardless of whether they are granted an ordinary or an accidental Disability Retirement by the State Division of Pensions and Benefits.

C. COBRA COVERAGE. Notwithstanding the language in section (B) immediately above, the employee may be eligible for the continuation of their County provided Health Benefits which were intact at the time of their discharge, or resignation, for a period of up to eighteen (18) months under COBRA, provided that the employee promptly notifies the County's contracted COBRA administrator of their election of the

COBRA offering, and timely remits payments due to the County's contracted COBRA Administrator for the continuation of such coverage.

D. LAPSES IN COVERAGE. For County provided Health Benefits (medical, prescription and dental) to be "intact," and to avoid a lapse in coverage, an employee must remit payments in full each month when due for the continuation in these benefits. If an employee, or former employee, is in arrears in making such payments, the coverage(s) may be stopped, resulting in a lapse of coverage. This may prevent the employee, or former employee, from resuming coverage prospectively, or retroactively, under any circumstances including the reversal of the denial for either accidental or ordinary disability retirement by the State of New Jersey, Division of Pensions & Benefits, or the Court.

E. OBLIGATIONS OF FORMER EMPLOYEE. The County assumes no responsibility or liability whatsoever for the failure, or omission, of a former County employee to notify in a timely manner the County's contracted COBRA Administrator of their election of COBRA, or to make full and timely payments to continue their COBRA benefits, or for the reimbursement of any payments made by the former employee that either would not otherwise be covered by the Health Benefits plan through the County, or that would be covered but for the failure or omission of the former employee to make timely COBRA payments when due, which results in a lapse in coverage. Following a lapse in coverage, a former employee may not be able to reinstate or continue their COBRA health benefits. The County assumes no obligation or liability for any Health Benefit coverage lapse due to a failure or omission by the former employee to pay their COBRA premiums or to be aware of their payment obligations.

F. SETTLEMENT AGREEMENTS. If a Settlement Agreement is entered into between the County and an employee or former employee involving their termination or resignation, any such Settlement Agreement must contain a provision that expressly and specifically addresses the status of their County premium free medical, health and prescription coverage benefits, and either reiterate this County Personnel Policy as being applicable to the employee or former employee, or must expressly and specifically state that this Policy, as is described above, is waived in regard to the employee or former employee. This waiver must first be approved by the County Administrator, or his designee, and so stated in the Settlement Agreement, before it is finalized and executed by the parties to it.

1:10-4 Pre-placement Medical Examination Program for Prospective County Employees

A. Upon the selection of a prospective employee for employment with the County, the Department Head shall notify the Office of Human Resources as to the specific position to be filled and arrange for a physical and/or psychological examination and/or drug screening for said prospective employee. Said examinations shall be conducted by the County's designated contractor.

B. The prospective employee shall be informed by the Department Head that he or she is offered the position conditionally, subject to him or her satisfactorily passing a physical and/or psychological examination and/or drug screening to be administered by a doctor or health care professional for the County at County expense. If he or she does not pass the exam, then the conditional offer shall be withdrawn by the Department Head, in writing, to the prospective employee. (Some positions, such as in law enforcement, may require both physical and psychological exams, but most positions just require physicals).

C. Upon the completion of said physical examination and/or psychological examination and/or drug screening, the doctor or health care professional who administered the examination shall notify the Office of Human Resources as to the fitness of the prospective employee to function in the position indicated.

D. The Office of Human Resources shall then confidentially notify the Department Head in question, in writing, as to the results of the physical examination, and/or psychological examination, and/or drug screening.

E. After the Department Head receives notification that the prospective employee has passed the physical and/or psychological examination and/or drug screening the Department Head shall then inform the prospective employee of this in writing and confirm the offer.

F. It is expected that all job applicants will answer all questions on job applications forms and medical forms provided to them for their physical, psychological exams and/or drug screening, truthfully and completely as to all information of a material nature to the questions posed. The failure to provide such information, whether deliberate or unintentional, if related to any limitation to perform any essential function of the job title they seek to hold, or their qualification to hold such a position, may result in withdrawal of an offer or their termination, following the discovery and investigation of such material omission.

G. This program shall apply to all County employees.

1:10-5 Employee Assistance Program

A. The County of Middlesex has an ongoing concern with the emotional wellbeing and productivity of its employees. To meet this concern, the County of Middlesex will endeavor to provide to the extent feasible an employee assistance program (EAP) to assist all County employees and their insured dependent family members. This program includes screening services which will provide an evaluation, problem definition, short term therapy and/or referral.

B. The EAP provides evaluations for problems that may be affecting job performance, interpersonal relationships, and your own mental health such as alcoholism, drug abuse, marital and family discord, parenting, interpersonal job-related problems or

situational problems (e.g., death of a relative or friend, retirement issues, legal or financial problems).

C. Counseling services are confidential and an employee's right to privacy is rigidly protected. Counseling records never become part of an employee's personnel files. A request for counseling cannot be used to threaten job security nor promotional opportunities. No information will be released to anyone without the employee's written consent.

D. The employee's initial appointment with the EAP Provider may be made on County time. If additional appointments are necessary, the employee must use his or her own time.

E. For general information about the program, you may contact the County Office of Human Resources at 732-745-3409.

1:10-6 Deferred Compensation Plan For County Officials And Employees

Interested County officials and employees may have a specified portion of their salary designated by a payroll deduction, turned over to a specific management company, several of which are retained by the Board of County Commissioners for the purpose of investing said funds. Information regarding this program can be obtained from the Office of Human Resources.

1:11 LONGEVITY

1:11-1 Longevity

A. Effective January 1, 1990, all eligible non-bargaining unit employees shall be entitled to receive longevity which shall be based upon their salary as of December 31st of the previous year, with a maximum base of \$30,000.00 starting with the completion of the 8th year of service as follows:

9 through 15 years = 4%
16 through 20 years = 6%
21 years and over = 8%

B. Employees in bargaining units shall be entitled to longevity as set forth in the union contract.

C. The rate of longevity is to be based upon the resolution authorizing longevity payments and setting up schedules of payments of same duly adopted by the Employer on March 18, 1971, and as amended.

D. Employees hired on and after January 1, 2013, shall not be eligible for longevity benefits.

E. Effective January 1, 2014, for all employees hired prior to January 1, 2013, longevity pay shall be included in the employee's base pay at the anniversary of the beginning of their 9th, 16th and 21st years of service, in the respective amounts of \$1200.00 on the anniversary of the beginning of their 9th year of service , an additional \$600.00 on the anniversary of the beginning of their 16th year of service, plus an additional \$600.00 more on the anniversary of the beginning of their 21st year of service, and shall be subject to compounding by the agreed upon negotiated wage increase ("NWI") percentage in each calendar year.

**1:12 PUBLIC EMPLOYEES' RETIREMENT SYSTEM;
POLICE & FIREMEN'S RETIREMENT SYSTEM**

1:12-1 Public Employees' Retirement System

Enrollment in the Public Employees' Retirement System is compulsory after receiving a permanent or unclassified appointment. Provisional employees, upon the successful completion of a New Jersey Department of Personnel examination or upon the completion of one (1) year of continuous employment, whichever occurs first, are required to be enrolled in the Public Employees' Retirement System. PERS salary deductions are based on a percentage rate according to age. Employees enrolled in PERS who terminate before retirement will have their deductions refunded upon request. Benefits include non-contributory insurance for all members equal to 1-1/2 times the employee's annual salary. Contributory insurance costs the employee 3/4 of 1% of his annual salary, and provides coverage amounting to an additional 1-1/2 times his annual salary thereby making the total 3 times the employee's annual salary. This contributory insurance is compulsory for the first full year of enrollment for eligible employees, thereafter an employee has the option to withdraw from the contributory portion and maintain only the 1½ non-contributory insurance coverage. A supplemental variable annuity option is also available by applying to New Jersey State Division of Pensions.

1:12-2 Police & Firemen's Retirement System.

A. Membership in this System is compulsory immediately following the permanent appointment of new County employees, under age 35, who work in one of the following titles:

- Chief of County Detectives
- Captain of County Detectives
- Lieutenant of County Detectives
- Sergeant of County Detectives
- County Detective
- County Investigator (Prosecutor's Office)
- Sheriff's Officer
- Sheriff's Officer Lieutenant
- Sheriff's Officer Sergeant
- Sheriff's Officer Captain
- County Correction Officer
- County Correction Sergeant
- County Correction Lieutenant
- County Correction Captain

B. Deductions are based on the Employee's age at the time of enrollment. Benefits include all non-contributory death benefits equal to 3 1/2 times the last year's rate of

compensation, retirement at age 55, special death benefits payable to widow(er) and/or surviving children in the case of death while performing duties, and supplemental annuity option.

1:12-3 Accumulated Sick Leave At Retirement or Death

A. Each County employee in the career service of the County and each County employee not in the career service who has been authorized to receive sick leave under terms and conditions similar to career employees shall be entitled, upon retirement from the County, to receive a lump sum payment as supplemental compensation pursuant to the formula set forth in Section 1:12-3 (2), provided, however, that an employee shall not be eligible for supplemental compensation payments in the event said employee elects a deferred retirement benefit.

B. The supplemental compensation payment to be paid hereunder shall be computed at the rate of one-half (1/2) of the eligible employee's daily rate of pay for each day of earned and unused accumulated sick leave based upon the average annual compensation received during the last year of his employment prior to the effective date of his retirement, provided, however, that no such lump sum supplemental compensation payment shall exceed \$15,000.00. Annual compensation is defined to be the annual base pay and longevity at time of retirement.

C. The lump sum supplemental compensation provided herein for said accumulated sick days shall in no way affect, increase or decrease any pension or retirement benefits to such retired employee under any other statute.

D. An employee who has incurred or shall incur a break in service as a result of separation due to layoff shall be credited with sick leave accrued both before separation and after return to employment, regardless of whether such separation occurred prior to the effective date of this act. An employee incurring a break in service for any other type of separation on and after the effective date of this act shall have his sick leave computed only from the date of return to employment. The provisions of this paragraph shall not be applicable nor available for the benefit of any employee who shall resign or leave the employ of the County upon said employee's own volition. An approved leave of absence shall not be considered as a break in service.

E. In the event of an employee's death after the effective date of retirement but before payment is made, the payment shall be made to the employee's estate.

F. The number of earned and unused accumulated sick leave days for which supplemental compensation is to be paid shall be based upon the records of the Middlesex County Office of Human Resources and shall be certified to the Board of County Commissioners by the Director of Human Resources as Certifying Agent for the New Jersey Department of Personnel within 45 days from the date of application made by an

employee. Payment shall be made from a special account established for the purposes set forth herein.

G. Eligible employees shall have the option of accepting any amounts due them in up to three payments, with the final payment to be made no later than two (2) years from the time of initial eligibility.

H. County employees who retire as a result of an accidental or ordinary disability retirement, and who meet all other applicable requirements shall be eligible for sick leave reimbursement upon retirement for unused sick leave. If such employees receive lump sum payment and subsequently re-enter County employment, they will not be eligible to have their unused sick leave reinstated to their records. Employees re-entering County service subsequent to an accidental or ordinary disability retirement shall begin earning sick leave in a manner similar to a newly hired employee.

I. In the event of a County employee's death prior to the effective date of their retirement, if the person has been a County employee for a continuous and uninterrupted period of at least 15 years immediately prior to their death and has remaining on the County's books unused accumulated earned paid sick time, the deceased employee's estate shall be entitled to receive the decedent's unused accumulated earned paid sick leave computed at a rate of one-half (1/2) of the eligible deceased employee's daily rate of pay for each day of earned unused accumulated sick leave based on the average annual compensation received during the last year of the employee's employment prior to the date of the employee's death, provided, however, that no such lump sum payment shall exceed \$15,000.00. This sum may be subject to adjustment for taxes, federal and state withholdings, and any financial obligations that the deceased employee may have to the County. Annual compensation is defined to be the annual base pay and longevity at the time of death.

For further information on eligibility and/or compensation, please contact the Office of Human Resources, Benefits Division.

1:12-4 Award of Health Benefits Coverage To Retirees With 25 Years Of Service

- A. The County of Middlesex hereby elects to adopt as of July 1995 the rules and regulations promulgated by the County Joint Health Insurance Fund Commission.
- B. The County hereby acknowledges that the rules and regulations of the County Joint Health Insurance Fund Commission established that it does:
 - 1. apply to all eligible present and future pensioners of the employer and their dependents;

2. continue as long as the County is paying the cost of its eligible pensioners and their dependents in accordance with the plan provisions;
 3. provide for local employer reimbursement of Federal Medicare premiums for eligible pensioners and/or their spouse/domestic partner, as well as the payment of health insurance premiums required by the program, on a basis comparable to the reimbursement made by the State to its eligible pensioners and their spouses;
 4. require the local employer to reimburse the premium rate and Medicare charges, and effective January 1, 2020, and prospective only, shall include the Income – Related Monthly Adjustment Amount (IRMAA), but continue to exclude any financial penalty for delayed enrollment or otherwise as determined by the Social Security Administration. The local employers shall not be responsible for any fines/penalties for filing delays in coverage which results in a higher premium rate.
 5. that the County’s Medicare Part B Reimbursement is a retiree-based benefit. Therefore, a spouse / domestic partner may not receive reimbursement prior to the retiree under any circumstances. Upon the passing of the retiree, the reimbursement for the period the retiree was last eligible to receive will be made payable to their respective estate.
 6. furthermore, it shall be the retiree’s sole responsibility to timely notify the Office of Human Resources of either their, and/or that of their spouse / domestic partner, enrollment in Medicare Part B. The retiree’s failure to do so will result in them being ineligible to receive any retroactive reimbursements other than that of the calendar year in which such notification is made, and required documentation confirming enrollment is submitted to, and received by, the Office of Human Resources.
- C. The County of Middlesex, and the Middlesex County Joint Health Insurance Fund Commission require enrollment in the Medicare Part B Program for all Retirees, and their spouse or domestic partner, who is eligible for Medicare. Eligibility is established by attaining the age of sixty – five (65), or upon approval for Social Security Disability Benefits, or as otherwise determined by the Social Security Administration due to certain diagnosed medical condition(s) which otherwise renders a person eligible for Medicare Part B without the person being obligated to collect Social Security Disability Benefits (for further information about such conditions and/or Medicare Part B eligibility contact the Social Security Office Administration at (1 – 800 – 772 – 1213)).

- D. In addition:
1. If the retiree, or their spouse / domestic partner, fails to immediately enroll in the Medicare Part B Program either at the age of sixty – five (65), or by being approved for Social Security Disability Benefits, then their respective coverage under the County shall be terminated, upon the County’s receipt of such information without any further notice to the retiree or eligible dependent.
 2. The retiree will be offered to continue their coverage through COBRA. If the retiree has timely notified the County’s contracted COBRA administrator of their election of the COBRA offering, and timely remits the full payment per month to the County’s contracted COBRA Administrator for the continuation of such coverage until such time they are enrolled into the Medicare Part B Program. The retiree will not be eligible for reimbursement of any payments they have made to the County’s contracted COBRA administrator during the period while their enrollment was pending. The County assumes no responsibility or liability whatsoever for the reimbursement of any payments made by the employee that would not be otherwise covered by the health benefits plan through the County.
 3. The retiree County provided Health Benefits will be reinstated once required documentation confirming enrollment is submitted to, and received by, the Office of Human Resources.
 4. If your enrollment into the Medicare Part B Program is retroactive, your retiree County provided Health Benefits will be reinstated timely based upon the billing cycle in which the proof of enrollment is received.
 5. If the Medicare Part B coverage effective date is in the future, your health coverage will be reinstated based on the effective date of your Medicare Part B enrollment.
- E. The County agrees to pay the premium or periodic charges for the benefits provided to all eligible retired employees and their dependents covered under the program, but not including survivors, if such employees retire from a State or locally-administered retirement system based on twenty-five (25) years or more of service credited in such retirement system, excepting the employees who elected deferred retirement, but including the employees who retired on disability pensions based on fewer years of honorable service credited in such retirement system and also to reimburse such retired employees for the premium, and effective January 1, 2020, and prospectively only, shall include the Income – Related Monthly Adjustment Amount (IRMAA), but continue to exclude any

financial penalty for delayed enrollment or otherwise as determined by the Social Security Administration, under Part B of the Federal Medicare Program covering the retired employees and their spouse or domestic partner in accordance with the regulations of the County Joint Health Insurance Fund Commission. Retroactive reimbursements will not be made due to any delay by an employee or former employee in submitting all of the required documentation to the County Office of Human Resources for any calendar year of enrollment prior to the calendar year in which the documentation is received by the County Office of Human Resources together with a written request for reimbursement submitted by certified mail, return receipt requested, for proof of service.

F. The County shall also pay the premium or periodic charges for prescription benefits for eligible retired employees and their eligible dependents.

G. Effective January 1, 2018, all retirees who did not possess the fifteen (15) completed years of credited pension service time as of at any time during calendar 2011, and who continue their County employment until obtaining twenty – five (25) or more years of credited pension service time in a State administered pension system, shall contribute toward the premium payment for the continuation of their County provided Health Benefits upon their retirement effective date, and:

1. shall submit a copy of their “Quotation of Retirement Benefits” correspondence which they shall receive from the State of New Jersey, Division of Pensions & Benefits, to the County Office of Human Resources within ten (10) calendar days of their receipt of such correspondence. Failure to do so may result in their County provided Health Benefits not being activated, until such a time that such information is submitted for the County’s receipt, and the retiree remits the full monthly payment;
2. shall remit the monthly payment of the specified contribution amount, which they will be advised of in writing, and is due by the 1st of each month, time is of the essence. Failure to timely remit the full payment may result in their County provided Health Benefits being suspended due to non – payment, without any further warning. The County assumes no responsibility or liability whatsoever for the reimbursement of any payments made by the retiree, or their dependents, that would not otherwise be covered if such coverage were intact had they timely submitted their contribution payment.

1:13

SICK LEAVE; TARGETED SICK LEAVE; MATERNITY LEAVE; MILITARY LEAVE; BEREAVEMENT LEAVE; INJURY LEAVE; OTHER UNPAID LEAVE; JURY DUTY LEAVE

1:13-1 Sick Leave

A. Sick leave with pay shall include any absence that occurs on any day and succeeding days that an employee is not actively performing the duties of his assignments, provided the absence is due to any of the following:

1. Personal illness;
2. Accident (not service incurred);
3. Exposure to contagious disease;
4. Attendance upon a member of the immediate family (defined as employee's parents, child, or spouse) who is seriously ill and requires such attendance; and
5. Death of a relative not listed under bereavement leave, such absence not to exceed one (1) working day.

B. Sick time shall accrue if eligible, at the rate of one and one-quarter (1-1/4) working days per month for full-time employees on a month-to-month basis until completion of one (1) full year of employment. Upon completion of said year, a pro-rata number of sick days shall be credited to the employee for the balance of the calendar year ending December 31st, with fifteen (15) days credited to the employee at the beginning of each successive calendar year thereafter. However, if you are employed in a grant position, then you shall receive a credit of up to the number of months left in the calendar year per your contract/grant period. Sick time shall accumulate from year to year and shall be granted to the employee as and when needed to the extent it has accrued.

1. Part time, seasonal, per diem and similarly situated employees shall be entitled to earned sick leave: pursuant to *N.J.S.A. 34:11D-1 et seq.*; a collectively negotiated labor agreement; or as provided in this Policy, whichever is greater.

C. Days lost due to injury or illness arising out of or caused by County employment for which the employee has a claim for workers' compensation shall not be chargeable to sick time. If the claim for workers' compensation is denied, the time lost shall be chargeable to sick time. Paid holidays occurring during a period of sick leave shall not be chargeable to sick time.

D. If an employee requests, and is approved for, an Unpaid Leave of Absence (including FMLA, and / or FLA, and / or Medical, and / or Personal), or is on an Unpaid Suspension, resulting in paid sick time not being earned for any particular month, and if it is

determined at the end of any calendar year that such unearned time was used by the employee, then such taken but unearned paid leave time shall be either reimbursed to the County from the employee's final paycheck for the calendar year, or deducted from the employee's sick time balance as of January 1st of the immediately following calendar year so as to reimburse the County for such outstanding balance in full.

E. If separation occurs before the end of any calendar year and more paid sick time has been taken by the employee than has been earned, then the per diem rate of pay for the excess time shall be deducted from an employee's final pay. If the employee's final pay is insufficient to cover the full amount due to cover paid leave time used by the employee, but not earned, then the employee will be notified in writing of such balance due for used but unearned paid leave time and will be provided with details of how to reimburse the County for such outstanding balance due. The County reserves the right to seek full reimbursement of any outstanding balance due through legal proceedings.

1:13-1A Verification of Sick Leave:

- A. An employee who has been absent on sick leave for five or more consecutive work days may be required to submit acceptable medical evidence substantiating the illness and must provide proof that the employee is able to return to active work duty.
 - 1. An employee who has been absent on sick leave for periods totaling more than 15 days in one calendar year consisting of periods of less than five days shall have his or her sick leave record reviewed by the respective Department Head and thereafter may be required to submit acceptable medical evidence for any additional sick leave in that year. In cases where an illness is of a chronic or recurring nature causing recurring absences of one day or less, only one submission of such proof shall be necessary for a period of six months.
 - 2. The appointing authority, or County Director of Human Resources, may require proof of illness of an employee on sick leave and may further require that such employee submit to an examination at the County's choice and expense, whenever such requirement appears reasonable. Abuse of sick leave shall be cause for disciplinary action.
 - 3. Each Department Head shall notify the Director of Human Resources of any employee on sick leave for a period in excess of twenty (20) continuous working days. The Director of Human Resources shall refer such employee for examination and/or

evaluation within ten (10) days of referral. Sick leave shall terminate upon determination by the medical staff that the employee is able to return to work. In the event that the determination is that the employee is not able to return to work, a re-evaluation of the medical condition of the employee will be accomplished on a monthly basis until such time as the employee returns to work.

- B. In case of leave of absence due to exposure to contagious disease, a certification from a medical doctor shall be required.
- C. In the case of death in the immediate family, reasonable proof may be required.
- D. The appointing authority, or County Director of Human Resources, may require an employee who has been absent because of personal illness, as a condition of his return to duty, to provide a physician's certification which shall establish whether the employee is capable of performing his/her normal duties and his/her return will not jeopardize the health of other employees. The appointing authority, or County Director of Human Resources, may request an employee to be examined by a physician of its choice and at its expense to corroborate the employee's medical certification.

1:13-1BEarned Sick Leave For Employees Covered by the New Jersey Earned Sick Leave Act, N.J.S.A. 34:11D-1 et seq.

A. County employees, including but not limited to seasonal employees and “per diem” employees, who are not entitled to earn paid sick leave under a law or rule of the State of New Jersey other than the Earned Sick Leave Law, N.J.S.A. 34:11D-1 et. seq. (hereinafter referred to as the “Law”), or pursuant to an unexpired collectively negotiated labor agreement in effect as of October 29, 2018, are entitled to earn sick leave under this Law as of October 29, 2018. Time is earned at the rate of one hour per 30 hours actually worked up to a limit of 40 hours of earned sick leave time that may be used in a benefit year commencing as of February 29, 2019.

B. The Law does not apply to independent contractors. Whether a person is an independent contractor is determined pursuant to the “ABC” test found within New Jersey’s Unemployment Compensation Law.

C. Permanent full time and part time County employees with Civil Service job titles are covered by *N.J.A.C. 4A:6-1.3(a)* and (b), and therefore are not covered by the Earned Sick Leave Law. This applies to the majority of County employees.

D. The County's benefit year runs from January 1 through December 31 of each calendar year.

E. Earned sick leave under the Law may not be used by a covered employee until February 26, 2019 at the earliest, or 120 days after an employee's first day of employment, whichever is later.

F. An employee covered by this Law may carry over up to 40 earned sick leave days into the immediately next benefit year but at no time may use more than 40 hours of earned sick leave in any benefit year.

G. Sick leave time need not be earned by a covered employee in consecutive weeks, or weeks in which the employee works at least thirty (30) hours. The time worked is cumulative over the course of a benefit year, except that where an employee is laid off, furloughed, terminated, or the like (referred to as a "break in service,"), and the break is for more than 6 months, earned sick time not used is lost. Where an employee is reinstated or rehired within a six-month period from the commencement of their break in service, any unused earned sick leave time accrued by the employee prior to their separation will be reinstated and returned to the employee.

H. Sick leave time is not advanced before being earned.

I. If a new employee starts their employment with the County with less than 120 days left in the benefit year, the employee's earned sick leave must be carried over to the next benefit year.

J. If the County in its discretion elects to offer paying a covered employee for their earned sick leave within the last month of a benefit year, and it may offer either to pay the employee for all of their earned sick leave that exists in the last month of a benefit year as of the date of the offer, or to pay for 50% of the employee's accumulated earned sick leave at the date of the offer with the balance of earned sick leave being carried over into the next benefit year. The employee must inform the County if it accepts such an offer within 10 business days from when the offer was communicated to them, and in the absence of a timely written response to the appropriate person in their office, or as may be indicated in the offer to them, the earned sick leave will be carried over into the next benefit year.

K. If an employee covered by the Law resigns, retires, is terminated, or otherwise is separated from employment with the County, the County need not payout to the employee the amount of their unused earned sick leave.

L. If an employee uses earned sick leave during hours that would have been overtime if worked, the employee is not entitled to pay at the overtime rate of pay for earned sick leave used. Earned sick time is to be earned at the employee's regular rate of pay and not at their overtime rate of pay whenever they work overtime.

M. Increments of time in which employees use earned sick leave under the Law need not be less than minimum increments of time ordinarily allowed for employees to use for sick leave in their Office or Department and should not be greater than an employee needs to accomplish the purpose of using earned sick leave.

N. If the need to use earned sick leave is foreseeable, an employee shall provide up to seven days' notice of their request to use earned sick leave.

O. Whenever possible, reasonably foreseeable appointments with healthcare providers and for other permitted uses of earned sick leave should be scheduled at times that will have the least effect on an employee's job responsibilities and operations of their County Office and Department.

P. Use of earned sick leave for foreseeable events may be prohibited by the County during high-volume periods or special events, known as "blackout dates," provided that the employee has reasonable notice of such dates.

Q. Requests to use earned sick leave for unforeseeable events should be made as soon as practicable once known by the employee.

R. When an employee takes earned sick leave on three or more consecutive days on which they are scheduled to work, the employee may be required to produce to their Office timekeeper, supervisor, Director, or other designated person, reasonable documentation of an Acceptable Reason for the Use of Earned Sick leave pursuant to the Law. Such documentation should be promptly provided within a reasonable time from the date of the request.

S. An employee's reason for the use of earned sick leave is confidential unless an employee gives written permission to disclose it, although upon request of the State of New Jersey Department of Labor the reason may be provided to it.

T. When a seasonal, "per diem," or similarly situated employee covered by this Law is hired as a full-time employee as a continuation of their County employment, i.e., without any break in the performance of their service, their earned sick leave shall be paid to them in their last pay as a seasonal, "per diem," or similarly situated employee.

U. Where Federal and State law apply to an absence, such as federal Family and Medical Leave Act ("FMLA"), and the Americans With Disabilities Act ("ADA"), and the New

Jersey Family Leave Act (“FLA”), an employee’s use of State earned sick leave may be counted toward concurrent leave and need not be consecutive to it.

V. This Policy shall be applied consistently with final Rules and Regulations adopted by the Commissioner of the New Jersey Department of Labor and Workforce Development, which shall be controlling in the event of anything either not covered in this Policy or not consistent with those Rules and Regulations.

W. Employees having complaints regarding the application of the Law to them have the right to proceed either by civil action or pursuant to filing a complaint with the New Jersey Department of Labor and Workforce Development Division of Wage and Hour Compliance. The link for the complaint form is: <https://www.nj.gov/labor/forms/pdfs/Isse/MW-31C.pdf>.

1:13-2 Targeted Sick Leave Verification

PURPOSE

Paid sick leave must not be used for the purposes other than those permitted by law. An employee on sick leave is being paid by the County, and for that reason the County may impose certain restrictions and requirements on the employee during the employee’s sick leave absence during their scheduled shift. The County reserves all rights accorded to it under the law to verify an employee’s sick leave as being properly requested and used. Without limiting these rights, the below policy and requirements shall be followed, in addition to other legally permissible means, to verify that an employee is not using sick leave for anything other than its intended purpose.

PROCEDURE

A. Except as noted in paragraph M, the following rules shall apply for the verification of sick leave to any employee who:

1. Receives any suspension for sick leave abuse for the twelve (12) month period following their return to work from such a suspension, and in the event that there is any further discipline of that employee for sick leave abuse in that twelve (12) month period, then for twelve (12) months from the last incident of such abuse resulting in any further discipline; or
2. Within a six (6) month period on at least eight (8) occasions uses a sick day, or part of a sick day, which for the purpose of this Policy shall be regarded the same as taking a whole sick day, on a one or two successive occasion basis in conjunction with any one or combination of the following:

- a. A holiday day off either immediately prior to or after said holiday, or immediately prior to or after any authorized leave immediately prior to or after said holiday; or
 - b. A weekend either immediately prior thereto or immediately after, or immediately prior to or after any authorized leave immediately prior to or after said weekend; or
 - c. Immediately prior to or after any vacation;
 - d. On a day following a pay day; or
 - e. On a day for which sick leave has been requested and denied; or
- 3. Uses a sick day on at least three (3) times in a calendar year on a day following a pay day; or
 - 4. After being denied requested time off for at least three (3) times in any consecutive six (6) month period, calls out sick for each denied day.

B. Employees who are absent where such absence places them within the scope of A1 of A2 or A3 or A4 delineated above shall be informed of same for each such absence, both orally and in writing, by a notice from their supervisor, or Department Head or his designee, within no later than the third day of their return to work from the subject qualifying absence. The basis for their absence being covered by the policy shall be set forth in the writing provided to them.

C. All employees who exceed any of the standards set forth in A1 or A2 or A3 or A4 above shall comply with all of the below requirements, unless exempted from any such requirement in writing by the Department Head, or his designee. For the employee to be granted an exemption they must make a written request to the Department Head as promptly as possible, and in no event later than three (3) work days prior to the requested leave date, whenever possible, or two (2) work days following their return to work if earlier notice is not possible; and make a clear and convincing showing therein that the application of a particular policy as to them would be impossible to satisfy, or would pose an undue hardship. An employee should offer in writing with their request all feasible alternatives whenever possible. The failure to provide a feasible alternative may bear on the merits of a request and result in its denial. The failure to provide a timely request shall operate as a waiver of request. All written requests may be responded to, in writing, within no later than three (3) working days from when received, except that no response shall operate as a denial of the request.

D. Whenever possible, and consistent with each department's call-in policy, the employee himself or herself must call their department at a required time prior to the start of their scheduled work day. Unless otherwise provided, all personnel will call in no later than the start of their scheduled time. At that call-in, the employee must advise their department:

1. The nature of illness or condition; and
2. The expected duration of the illness or condition, based upon the advice of their health care provider, or if not known, based upon their reasonable expectation at that time.

E. Subject to paragraph F below, it shall be the responsibility of the employee to be accessible by telephone, at the employee's residence, for the duration of the employee's workday for the duration of their sick leave absence.

F. If the employee is not to be at their home during sick leave, the employee must so notify, in advance whenever possible, the employee's supervisor, or his designee, of:

1. The address of where the employee will be;
2. The times the employee will be there;
3. A telephone number at which the employee will be personally accessible; and
4. The reason for leaving the home.

G. In the case of doctor visits, and to pick up medication or necessities, the employee shall advise his/her supervisor, or supervisor's designee, in advance of the visit, of the name of the doctor, the doctor's telephone number, and the time of the scheduled appointment, or other qualified reason for their absence from home. The employee **MUST** contact the supervisor when the employee returns.

H. The County, in its discretion, may choose to verify sick leave through home visits or telephone contact, in addition to requiring the employee to provide a certification from a medical doctor. **IT IS THE RESPONSIBILITY OF THE EMPLOYEE TO COME TO THE TELEPHONE PERSONALLY**, unless the employee's illness, physical impairment or condition prevents them from doing so, in which instance the employee shall provide written medical corroboration of such impairment, condition or illness.

I. **Medical Documentation** – The employee whose absences rise to the level of A1 or A2 or A3 or A4 is required to provide verification of illness by a medical doctor for each day of their subsequent absence for a twelve (12) month period thereafter. The County, in its discretion, may choose to verify sick leave by transporting the employee to a medical doctor selected by the County to examine the employee.

Verification means that the employee is required to provide a written statement by a reputable treating physician substantiating any illness or injury. The physician certification must indicate that the employee is not physically or mentally able to perform any duty connected with his/her job; and give a diagnosis of illness or injury and a prognosis as to when the employee would be able to return to work without limitation.

J. **Examination by County Physician: Pattern Absences/Suspicion of Abuse – In cases:**

1. Where the County has reasonable suspicion that an employee has abused sick leave; or
2. Where an employee has demonstrated a pattern in the use of sick leave, i.e. the repeated use of sick leave on the first or last day of the work week or on the day before or after a holiday; or
3. Where the employee fails to follow a provision of the procedure for sick leave verification, the County may require verification of illness by a physician selected by the County.

K. In cases where County verification is required, the County may notify the employee to report during their normal workday hours to a designated physician to be examined at County expense.

L. The County of Middlesex views abuse of sick leave as a serious offense which will result in employee discipline up to and including termination of employment.

M. This policy shall not apply to the absences of employees

1. Whose absences involve actual hospitalization for at least three (3) consecutive work days; and
2. Who are so physically incapacitated as to be confined to bed at a health care facility, or confined to home for a period of at least five (5) consecutive work days, or are under a doctor's on-going care for an incapacitating physical condition that prevents them from working.

Department Heads, Division and Agency Directors and supervisors will inform their subordinates of the full intent of the aforementioned.

1:13-3 Buyout Of Earned And Unused Sick Time

At the end of each calendar year, any full-time employee not covered by a bargaining unit within the County may opt to apply for and receive cash payment for sick days credited and not used during the current year. Payment may be made in the amount of one (1) day's pay for every three (3) days credited and not used to a maximum of five (5) days. Employees having used five (5) days of sick leave or less out of 15 sick days credited per current year qualify for participation. Employees having used six (6) days or more of sick leave out of 15 sick days credited per current year are not eligible for participation. Eligible employees applying for sick time buy out will do so on December 31st of each current year by signing an authorization card provided by the County. Payment will be made in the third payroll period of the succeeding year.

1:13-4 Maternity Leave

A. Any eligible full-time employee may be granted earned and accumulated sick leave and vacation during the time prior to the expected date of delivery and for one month after the actual date of delivery on the presentation of a doctor's certificate and with the approval of the Department Head and County Commissioner in charge.

B. Eligible full-time employees may also be granted a maternity leave without pay pursuant to Section 1:13-8 and is subject to the same pre-conditions listed above.

C. Any approved unpaid maternity leave shall run concurrent with FMLA and FLA. This shall be construed in accordance with the County FMLA/FLA policy.

1:13-5 Military Leave

Any employee of the County who is a member of the organized State Militia (which consists of the New Jersey Air and Army National Guard, Naval Militia and State Guard) or reserve component of any of the Armed Forces of the United States, and is required to engage in active duty, shall be granted a military leave of absence with pay and required benefits for the period of such time as is required by State and Federal law. Such leave shall be in addition to vacation.

1:13-5A Differential Pay and Extending Benefits to Qualifying County Employees Called Up for Mandatory Active Military Duty Once They Exhaust State Required Paid County Military Leave

A. When a full time County employee, in good standing and on the active County payroll for one (1) year or more, who is "called up" and mobilized for active military duty pursuant to a formal Declaration or Authorization of the President of the United States and/or Secretary of Defense, with orders that expressly refer to Title 10 or Title 32 of the United States Code, which is the subject of County Resolution 07-1723 (hereinafter referred to as "mandatory active military duty" and "mandatory active duty") ~~stated to~~ has exhausted his or her State statutorily required period of paid County military leave (hereinafter referred to

as “qualifying County employee”), the County will pay the said employee differential pay during the remainder of his or her period of mandatory active military duty, pursuant to the terms and conditions of this Policy. An employee’s failure to comply fully and completely with all the terms and condition of this Policy, if otherwise qualified for it, shall disqualify them from its benefits.

B. “Differential pay” is defined as pay equal to the difference between an employee’s County annual base salary, plus longevity, and the employee’s military base pay plus all allowances (such as, but not limited to, flight pay, housing allowances, spousal and dependents allowances and hazardous pay) prorated for the eligible period of mandatory active military duty.

C. A qualifying County employee shall also be entitled to the continuation of paid employee health benefit coverage for his or her family dependents, and/or for the employee, unless the employee is excluded from coverage during his or her period of military service under their County plan of benefits of the employee’s health benefit carrier/provider at the time the employee is ordered to mandatory active duty, if promptly requested by the employee in writing to the County Director of Human Resources and they agree therein to the terms and conditions of this Policy and satisfy same.

D. A qualifying County employee shall also be entitled to continued State provided contributory/non-contributory life insurance coverage and continued employer contributions towards pension coverage, as permitted by State pension law, during mandatory active military duty, if promptly requested by them in writing to the County Director of Human Resources and they agree to the terms and conditions of this Policy and satisfy same.

E. If a qualifying County employee’s military base pay plus extra compensation and allowances is greater than his or her annual County base salary plus longevity, so that he or she would not be eligible to receive differential pay under this Policy, such County employee shall, nonetheless, be entitled to the aforesaid benefits pursuant to paragraphs 3 and 4 above.

F. The qualifying employee’s contribution or co-pay for such benefits, pursuant to the applicable County practices and policies as if the employee is on paid leave, collective bargaining agreement covering an employee’s contribution to health benefit premium costs, if applicable, or, for non-affiliated employees pursuant to the County Human Resources Policy Manual 1:10-1 (“Employee – Contribution to Premium Costs”), if applicable, will be deducted from the employee’s differential pay, if any. Any portion of the employee’s contributions or co-pays which exceeds the employee’s differential pay, if any, will be advanced by the County, while the qualifying employee is on mandatory active military duty.

G. Any and all such advances pursuant to this Policy must be repaid to the County by the employee and will be recovered by the County from the employee’s County pay upon

his or her return to County employment over a period of time equal to the period of time of the employee's extended mandatory active military duty while they received benefits under this Policy; or, if not so recovered, will otherwise be recoverable by legal process.

H. After an employee has requested benefits under this Policy, an employee may opt out of the benefits extended by this Policy at any time upon receipt by the County Director of Human Resources of a letter from the employee with such a request. Opting out shall not relieve them of any repayment obligation to the County.

I. In order to be eligible for County differential pay, and continuing benefits pursuant to this Policy, employees must:

1. Promptly provide to the County Office of Human Resources true and complete copies of their military orders, and their military pay-grade as well as pay records, Defense and Finance and Accounting Services Military Leave and Earnings Statements and annual W-2's from the military, as soon as those records are available to them, to verify the amount of military pay actually received, and orders. A failure or refusal by an employee, or their representative, promptly to provide such documentation will disentitle the employee to receive differential pay; and benefits; and, prior payments of differential pay and other benefits not verified by proper documentation will be deemed to be an over-payment, and will be recovered from the employee's pay upon his or her return to County employment as set forth above; or, by legal process; and

2. Deliver to the County Director of Human Resources a notarized fully completed County form, signed by them, and agreeing to the terms and conditions of this Policy, and signed by their Union President or duly designated Union Representative, or accompanied by a blanket letter of approval of this Policy from the union.

J. Employees on mandatory extended active military duty who elect to maintain County health coverage for their eligible covered dependents must take the following steps:

1. Apply for and receive a Tricare card through the Department of Defense.
2. Family members must continue to utilize existing family medical professionals.
3. The Department of Defense Tricare Program card should be given to the medical professionals as the primary carrier during the period of eligible active duty, unless the military directs otherwise.

4. Any medical claims not covered by the Tricare program should be submitted to the employee's County health insurance plan. Any claims not paid by Tricare less applicable co-pays and deductibles will be paid by the employee's County health care plan in accordance with the terms of coverage contained in the applicable plan document.

5. It is the responsibility of the employee or dependent to ensure that the requirements of the appropriate plan document (with respect to network doctors, referrals, pre-certifications, etc.) are complied with to receive this benefit.

K. The Director of Human Resources shall implement this Policy and each department, office, or division of the County with employees on the County payroll is authorized and directed to cooperate with the Director of Human Resources and to make available to the Director such information and assistance as is necessary to accomplish the purpose of this Policy.

L. Any medical expenses resulting from an act of declared/undeclared war or act of terrorism is specifically excluded from coverage by the County health benefit program.

M. This Policy is subject to the terms, conditions and exclusions of the County's Health Plan documents as well as applicable State and Federal law.

N. Whatever Federal or State Tax liability may result from these payments and continued benefits shall be the sole obligation of the employee and not the County.

O. This Policy is prospectively from September 7, 2007 and shall take effect as of the date Resolution #07-1723-R was approved by the Board on September 7, 2007, when this Policy was adopted.

P. This Policy does not provide differential pay or extended benefits for military duty that is voluntarily undertaken by an employee notwithstanding the issuance of orders for such duty, such as, but not limited to, orders to attend training courses or other activities not mandatorily required of an employee pursuant to orders referring to Title 10 or Title 32 of the United States Code.

Q. In order to receive regular paid County military leave for active military duty pursuant to State statute, employees must promptly provide to the County Office of Human Resources true and complete copies of their military orders, and all changes to such orders that involve changes in the dates of military services must also be so provided.

R. The acceptance, or attempt to obtain, any paid County military leave, or differential pay, or any benefit by pursuant to this Policy, by an employee by fraud, misrepresentation, omission, or the like, may be grounds for discipline and up to and

including termination, and may entitle the County to the recovery of all pay extended to the employee on military leave and the cost of all benefits extended and advanced by the County to the employee pursuant to this Policy.

S. Should an employee elect not to apply for the differential pay and continued benefit provided by this Policy, or not be eligible for differential pay or extended benefits, the employee will be placed on unpaid military leave and be responsible for the full cost of his or her extended County benefit coverage, should they choose to continue that coverage, following the expiration of the statutory mandated period of paid County military leave.

T. Effective as of January 1, 2018, and prospectively only, whenever an employee qualifies for the continuation of their County medical benefits under this Policy and they transition from being on paid County military leave to unpaid County military leave, their health benefit contributions will be advanced by the County and following the employee's release from their mandatory active military duty the employee shall only be liable to reimburse the County for the amount of the County advanced employee contributions, whether they return to County employment or not.

1:13-6 Bereavement Leave

A. All full-time employees shall receive four (4) days leave in the event of the death of a spouse, child, parents or spousal relationship. All full-time employees shall receive three (3) days leave in the event of the death of brother, sister, grandparents, grandchildren or relative continuously residing in the employee's household, effective January 1, 2014, receive two (2) days for their current mother-in-law or father-in-law, and one (1) day for their current brothers-in-law, sisters-in-law, aunts and uncles, nieces and nephews. Department Heads may request documentation evidencing said relationship and death in order to determine eligibility for said leave.

B. A full-time employee may make a request of the Department Head or his designated representative for time off to attend a funeral separate and distinct from bereavement leave to be charged as sick, personal or vacation time.

C. If a full-time employee is on vacation leave or sick leave, and an eligible death occurs, the vacation leave or sick leave shall terminate and bereavement leave shall apply.

D. There shall be no annual cap for bereavement leave.

E. The time of bereavement leave will be allowed to be taken within a ten (10) day period from the death at the discretion of the full-time employee with a prior notification to his/her Department Head. It is further understood that there will be no fragmentation of the bereavement leave. The leave must be taken by the designated days once the option is taken.

1:13-7 Injury Leave

A. Pursuant to *N.J.S.A. 40A:9-7*, whenever an employee is injured or disabled as a result of or arising out of his employment so as to be physically unfit for his duty, the Board of County Commissioners may approve by resolution the grant of up to one (1) calendar year's leave of absence, with pay, from the date the injury occurred. Such leave shall not be chargeable to sick leave.

B. Prior to the passage of such resolution, the Board of County Commissioners shall be satisfied by a certificate of a physician as to the degree of injury or disability, and shall enter into a contract with the employee to reimburse the County out of the monies he may receive as workers' compensation, temporary benefits or legal settlement out of his injuries.

C. Payments for any and all injuries set forth in Paragraph (1) shall be in accordance with the requirements of *N.J.S.A. 34:15-1 et seq.* and any and all supplements or amendments thereto.

D. For the purpose of compliance with the requirements of *N.J.S.A. 34:15-1 et seq.*, the procedure outlined by the Office of Human Resources as set forth below shall be followed.

1. No later than the start of the second day after the occurrence of an injury covered by this section, the injured employee and his or her supervisor shall complete the customary injury report(s) required by the State of New Jersey Department of Labor and Industry. The Department Head shall co-sign the Supervisor's Report, thereby indicating that he or she is aware of the accident. Such forms may be obtained from the Director of the County Office of Human Resources.

2. Disciplinary action may be taken against the employee if his or her supervisor is not immediately informed of an accident, as well as against the supervisor if the supervisor had knowledge but did not report the injury.

3. Within 48 hours of the occurrence of an injury covered by this section, the Department Head shall furnish information on the forms supplied by the Director of Human Resources. Failure to do so may result in disciplinary action against the employee and the employee's supervisor.

4. If the worker's compensation doctor orders the employee to be out of work for more than two (2) days, the employee's and worker's compensation paperwork and FMLA paperwork shall be mailed to his

or her home address with instruction that it be completed and mailed back the day it was received and failure to do so may result in disciplinary action. It is the employee's responsibility to keep track of their FMLA leave time expiration date. If the employee partially used their allotted FMLA time prior to their work injury, they only are eligible for the balance of time left put towards their work injury. Employees who have a worker's compensation injury which has been deemed to be an FMLA qualifying event are required to adhere to Section:13-8(1) Leave – FMLA/FLA (Family and Medical Leave) as it relates to contacting the county's contracted FMLA/FLA third party administrator.

5. The Director of Human Resources shall cause an investigation to be made of said injury and upon completion of said investigation shall recommend to the Board of County Commissioners the action to be taken pursuant to Paragraph 1 of this Section.

6. The Director of Human Resources shall cause to be filed with the Clerk of the Board of County Commissioners a semi-monthly report setting forth the agreements and terms for reimbursement as provided by Paragraph 1 of this Section.

7. An employee of the County of Middlesex who is on injury leave shall be credited with sick and vacation at the same rate as if he were working.

8. Paid holidays shall not be charged to injury leave.

9. While an employee is out on injury leave, or working limited duty as ordered by the worker compensation doctor, he or she must keep in contact with his or her assigned Case Manager, especially after a doctor's appointment. Any employee who fails to do so may be subject to discipline. Any time, during regularly scheduled work hours, that an employee is unable to be reached by his or her Nurse_Case Manager, he or she may be subject to discipline. If the employee missed a call from his or her department or Nurse Case Manager, he or she must return the call as soon as possible. The failure to do so may result in discipline.

10. If an employee experiences any physical problems or has any concerns, he or she must first contact the Nurse Case Manager. If either the employee is unable to contact the Nurse Case Manager, or a response is not forthcoming, the employee shall call the designated contact person for his or her department. Thereafter, the employee shall contact the Office of Human Resources at 732-745-3397.

11. Failure to comply with the care directions or treatment schedule prescribed by the worker's compensation doctor and other medical staff shall subject the employee to disciplinary action, through and including termination. Any and all scheduling and appointment notes from the worker's compensation doctor and/or therapists must be submitted to his or her immediate supervisor or other pre-approved person within two (2) working days of such visit. It is the employee's responsibility to give his or her immediate supervisor or other pre-approved person a complete listing of physical therapy appointments prior to those appointments.

12. An employee cannot change a scheduled doctor's appointment without the approval of his or her Nurse Case Manager. An employee is not to contact or go to his or her doctor's office or cancel an appointment without prior authorization by his or her Nurse Case Manager. Any employee who fails to attend a scheduled doctor's or therapy appointment may be subject to disciplinary action through and including termination. Any "no show" fees will be the employee's responsibility.

13. Physical therapy appointments will be made on a case-by-case basis in order for your department to continue to function as needed. If the department needs the employee to go at the beginning of the work day, then the employee should schedule accordingly, if possible, and is expected back to work after therapy. If the department needs the employee to go at the end of the work day, they should schedule accordingly, if possible, and the employee is expected to work until time to leave for therapy. If the department needs the employee to go to therapy in the middle of the day, the employee should schedule accordingly, if possible, and is expected to work both before and after therapy. Any time not at therapy, in transit directly to or from therapy or work will be charged to the employee's accumulated time. Pre-admission testing should be made at the beginning of the employee's scheduled work day.

14. Subject to Paragraph (o) below, it shall be the responsibility of the employee to be accessible by telephone, at the employee's residence, for the duration of the employee's workday (or during regular business hours, if the employee works shifts and weekends), for the duration of his or her injury leave.

15. If the employee is not to be at his or her home during injury leave, pursuant to paragraph (n) above, the employee must so notify his or her supervisor or designee in advance of such absence, unless it is a sudden and unexpected emergency. Such notification shall, at a minimum, include:

- a. the complete address of where the employee will be;
- b. the times the employee will be there;
- c. a telephone number at which the employee will be personally accessible; and
- d. the reason for leaving home.

The failure to provide this information without good cause may result in discipline up to and including termination.

16. In the case of doctor's or physical therapy appointments, and to pick up medication or necessities, while on injury leave, the employee shall advise his or her supervisor or designee, in advance of the visit, the name of the doctor, the doctor's telephone number, and the time of the scheduled appointment, or other qualified reason for his or her absence from home. The employee **MUST** contact the supervisor when the employee returns home. A failure to do so may result in disciplinary action up to and including termination.

17. Any employee, who fails to return to work after receiving authorization from the worker's compensation doctor to do so, may be subject to disciplinary action, through and including termination and any time out of work without authorization may be charged to the employee's accumulated paid sick time and paid vacation time.

18. It shall be the responsibility of each Department to notify the Office of Human Resources whether or not an employee who is out on injury leave, returns to work after receiving clearance to do so by the worker's compensation doctor.

19. Upon return from injury leave, an employee who was unable to use his/her vacation days shall be allowed to take that time within the succeeding year, including any prior carry-over. However, if not used within that period, the employee will lose the prior carried-over days. Regardless of the reason, personal days not used may not be carried over.

20. In the event an employee exhausts his or her one year of injury leave before he or she is deemed by the County's compensation doctor to be capable of returning to work, he may continue on the payroll by using his accumulated paid sick and paid vacation time. After accumulated paid leave time has been used, the employee, if permanent, has the option of applying for a leave without pay (according to the procedures outlined in Section 1:13-9 above and pursuant to the requirements of *N.J.S.A. 34:15-1 et seq.*). Non-permanent employees are terminated after using accumulated sick and

vacation time. Any employee on an unpaid leave of absence must pay for their health benefits; if they choose to suspend them, they must put their request in writing to the Director of Human Resources.

21. Once the employee has been determined by the County's worker's compensation physician to have reached maximum medical improvements ("MMI") and is cleared to return to work without limitation, or with a limitation that is the result of an ADA or NJLAD defined "disability" or "handicapped" that can be reasonably accommodated without creating an undue hardship for the County, it is expected that the employee will return to work within five (5) working days from the MMI determination. Any time the employee is out of work after the MMI determination will be charged to the employee's accumulated paid sick time and vacation. The employee's refusal or failure to return to work within that time may result in the termination of their employment with the County on the ground of job abandonment, unless the employee provides good cause to their Department Head as to why he/she should not return to work within five (5) working days from the determination of his/her MMI status.

22. When an employee does not timely return to work after an MMI determination because the employee believes that he/she still is unable to perform the essential functions of his/her position, either without or with a reasonable accommodation, assuming he/she has a verifiable ADA disability or NJLAD handicap, which must be established by the facts or competent medical opinion, if the employee seeks to continue his/her County employment it is incumbent upon the employee to provide his/her Department Head with a physician's report addressing the employee's: (a) current medical or mental condition; (b) prognosis; and (c) what limitations, if any, the employee has, without or with a reasonable accommodation, relative to the essential functions of his/her job, e.g., restrictions on: lifting, standing, climbing, bending, running, walking, grasping, holding, sitting, concentrating, observing, speaking, hearing, typing, filing, etc.

23. In certain circumstances, an employee may be entitled to a reasonable accommodation. If he/she wants to be considered for one, he/she must promptly make a written request for one within five (5) working days of reasonable accommodation determination by the compensation doctor to the Department Head. The written request must specify the particular accommodation(s) being requested and must be copied by the employee to the County's Director of Human Resources and ADA Coordinator.

A conference with the employee should be held to review the matter if questions remain about his/her request. The request then shall be considered and responded to formally in writing by the Department Head within five (5) business days from its receipt, or the conference on it, whichever is later. The

formal response shall be copied to the Director of Human Resources and ADA Coordinator.

24. If the employee is eligible for unpaid FMLA/FLA leave time or other available paid leave, he/she must make a timely formal request for FMLA/FLA leave by completing and submitting all necessary paperwork to the County Office of Human Resources. This should be done promptly. The delay by an employee in timely submitting the necessary paperwork requesting FMLA/FLA leave may result in the approval of such leave being made retroactive to the date for which it should have been requested, or the FMLA/FLA leave being deemed waived for the period of delay and reducing the employee's FMLA/FLA available time.

25. If an employee is eligible for FMLA/FLA leave, he/she must satisfy all requirements for it. (See County Human Resources Policy and FMLA/FLA leave).

26. If the employee feels he/she cannot return to work following an MMI determination and opinion by the County workers compensation physician that he/she is able to return to work and the employee wants to use accrued sick time, the Department Head must approve same. Such leave can only be used with the employee's personal medical doctor's note setting forth that he/she remains unable to return to work. However, the County's Sick Leave Verification Policy shall be utilized to further determine the employee's condition.

27. If the employee is deemed able to return to work after his/her MMI but cannot perform an essential function of his/her job, either without or with a reasonable accommodation, assuming such were to be applicable to the employee's injury or condition, and the position must be filled: then the employee may: 1) resign in good standing; 2) file for and receive a pension disability retirement, if eligible; or 3) be terminated due to medical inability to perform job duties and/or excessive or chronic absenteeism, or other good cause. The employee is only eligible to be kept on the County's employment books for a period not to exceed one (1) unpaid year of authorized unpaid leave; if the disability retirement is not granted within that period, then the employee may either 1) resign in good standing due to medical inability to perform job duties, or 2) be terminated for medical inability to perform job duties; unless other grounds to terminate exist.

28. Pre-termination conference – when it appears that an employee either has exhausted all available paid leave and/or unpaid leave for which he/she is eligible, and they continues to be absent, or is in a “dock” (i.e., no pay) situation, or is about to enter such a situation (e.g., 30 days prior to exhausting paid work injury leave; 30 days prior to exhausting FMLA/FLA unpaid leave; or 5 days of

unauthorized leave; or a pattern of absences abuse, the Office of Human Resources may, at its option, schedule and conduct a conference inviting the employee, a representative of his/her union, a representative of his/her Department and a representative from County Counsel's office, to review: (1) the employee's absence record to confirm its accuracy; (2) the employee's apparent status, to discuss what options, if any, appear to exist relative to the employee's continued employment; and (3) to afford the employee an opportunity to review his/her situation and possibly avert a termination. If no satisfactory alternative is arrived at, the termination process shall be commenced by the employee's department.

1:13-8 FMLA/FLA (Family and Medical Leave)

The County follows the Federal Family and Medical Leave Act ("FMLA") and the State Family Leave Act ("FLA") regarding unpaid leaves of absence by eligible employees for qualifying conditions.

A. Procedure for Administering Leaves of Absence.

Effective January 1, 2016, the County's contracted administrator (contracted Third Party Administrator) for the Family Medical Leave Act (hereinafter referred to as "FMLA"), and New Jersey Family Leave Act (hereinafter referred to as "FLA"), will be administering such Leave of Absences for employees. The following procedure must be completed in regard to such Leave of Absences:

1. The employee must adhere to the normal "call – out" procedure of their respective Department / Office / Division to report time off from work due to a serious health condition for the employee, or for a family member.
2. Immediately after completing the respective "call – out" policy of their Department / Office / Division, the employee must contact the County's contracted FMLA / FLA administrator to report such a Leave of Absence. The County's contracted FMLA / FLA administrator's contact information can be found on the "Employee Self Service" website, or by contacting the Human Resource Point – Of – Contact for the employee's respective Department / Office / Division.
3. Upon receipt of their reported request for a Leave of Absence, the County's contracted FMLA / FLA administrator will mail to the employee via U.S. Regular Mail:

- * Health Care Provider Certification Form (FMLA);
- * Notice of Eligibility, Rights, & Responsibilities Form (FMLA)
- * Designation Notice (FMLA)

* All other requisite forms (FMLA and/or FLA)

Any mailing from the County's contracted FMLA / FLA administrator shall be equivalent to County sent mail, and the terms of County Human Resource Policy 1:7 – 2 (Acceptance of County sent Mail) shall apply.

4. The employee's Department / Office / Division will be notified of the result of the employee's requested Leave of Absence (i.e. approval or denial).

5. If the requested Leave of Absence is on an intermittent basis, the employee must follow the same procedure as outlined in Paragraphs "1" and "2" of this section for each day that the employee is absent from work for the approved condition.

6. The failure by an employee to complete the procedure outlined in this section for requesting / reporting an FMLA and /or FLA Leave of Absence may result in the absence being deemed to be an unauthorized absence, and may result in discipline up to, and including, termination.

B. Eligibility

1. FMLA - To be eligible for FMLA leave an employee shall have worked for the County at least 1250 hours in the preceding twelve (12) months and have been employed by the County for at least twelve (12) months.

2. FLA - To be eligible for FLA leave an employee shall have worked for the County for at least 1000 hours in the preceding twelve (12) months and employed for at least twelve (12) months.

C. Amount of Leave

1. An eligible qualifying employee shall be eligible for up to twelve (12) weeks of FMLA leave during a twelve (12) month period.

2. An eligible qualifying employee shall be eligible for up to twelve (12) weeks of FLA leave during a twenty-four (24) month period.

3. Spouses working for same employer. Under FMLA, leave for birth, adoption or to care for a sick parent must be shared by spouses working for the County. There is no sharing requirement under the FLA.

4. Military FMLA Leave – See Section 1:13:8A below.

D. **Types of Leave**

1. FMLA - An eligible employee qualifies for this leave for the following reasons:

- (a) Birth;
- (b) Adoption or Foster Care;
- (c) To care for parent, child or a spouse with a serious health condition;
- (d) Employee's own serious health condition.

2. FLA - An eligible employee qualifies for this leave for reasons (1) through (3) in A above, but not (4).

E. **Serious Health Condition**

1. FMLA - Means illness, injury, impairment or physical or mental condition involving incapacity or treatment connected with inpatient care in hospital, hospice, or a residential medical care facility; or, continuing treatment by a health care provider involving: (1) incapacity or absence from work, school, or other activities, of more than three (3) days; (2) chronic or long term condition incurable or so serious if not treated would result in incapacity of more than three (3) days; or (3) prenatal care.

2. FLA - Means illness, injury, impairment, or physical or mental condition which requires inpatient care in a hospital, hospice or residential medical treatment or continuing supervision by a health care provider.

2. Military FMLA Leave – See Section 1:13-8A below. (All references to “FMLA” in the County Personnel Policy shall include Military FMLA leave, unless expressly stated otherwise.)

F. **Intermittent Leave**

1. FMLA - Permitted for serious health conditions when medically necessary. Not permitted for birth or adoption unless the County agrees.

2. FLA - Not permitted unless the County and the employee agree.
3. Intermittent leave or leave on a reduced schedule to attend scheduled treatment, or scheduled doctor's appointments, or scheduled exams, or the like, shall be scheduled for times least likely to conflict with the employee's work schedule whenever practicable.

G. **Exhaustion of Paid Leave** – An employee need not exhaust paid leave before utilizing unpaid FMLA or FLA leave. This shall not change any other policy of the County, and an employee must still comply with all relevant County and Departmental policies, including those on leaves, job attendance and job absences. (If an employee intends to apply for State disability, under State law they must first exhaust all accrued paid Sick Leave.)

H. **Reinstatement of Rights** - An employee must be restored to the same or an equivalent position in all terms and conditions provided that the employee would not have been laid off as part of an economic restructuring.

I. **Key Employee Exception**

1. FMLA - Exempts salaried employees if among the highest paid ten (10%) percent and if their absence would cause grievous economic harm to the County.

2. FLA - Exempts the highest paid five (5%) percent of employee or one of the seven (7) highest paid employees, whichever is greater, and if their absence would lead to substantial economic injury to the County.

J. **Maintenance of Health Benefits** - During an FMLA or FLA Leave, health insurance is continued under the same conditions as prior to the leave.

K. **Timing of Leave Requests**

1. FMLA - Leave requests must be made by the employee thirty (30) days in advance of date leave is sought to commence, or otherwise as soon as is practicable before the leave is to be taken.

2. FLA - For birth or adoptions, the same as A above. For serious health conditions of others, fifteen (15) days in advance or as soon as is practicable.

L. **Medical Certification Requirements**

1. FMLA - Medical certification shall be provided by the employee to support any request for leave due to a serious health condition.
2. FLA - Medical certification shall be provided by the employee to support a request for leave due to a serious health condition of a family member. Certification also shall be required for birth or for placement of a child.
3. **Return to Work From Leave for Serious Health Condition of Employee**
-The employee shall provide a medical certification as to their fitness to return to work to perform the essential functions of their position.

M. **FMLA/FLA Leave Concurrent with Each Other and Available County**

Unpaid Leave - When an employee takes leave covered by both FMLA and FLA, they shall run concurrent to each other and not consecutive to each other, from the date the unpaid leave commences, and shall run concurrent with available County unpaid leave for which the employee qualifies.

N. **Accrual of Seniority, Vacation Time, Sick Time, Personal Time While on FMLA/FLA Leave** - Seniority, vacation time, personal time, sick leave time and pension benefits shall not accrue during unpaid FMLA or FLA leave absences.

O. As a matter of Federal law, FMLA protection starts to run for a FMLA qualified employee upon the occurrence of a FMLA qualifying event or circumstances. Neither the employee nor the employer may delay, defer or postpone when FMLA time starts to run. (The same policy applies to an employee absent from work for a State FLA qualifying event.)

P. Federal law mandates that the first twelve (12) weeks of a FMLA qualifying event, condition or circumstance are subject to the Federal Family Medical Leave Act, or that amount of time spread over a greater period if an employee is qualified for intermittent or reduced leave.

Q. An employee may elect and be permitted to take available paid County leave concurrently with or after unpaid FMLA and/or FLA leave, including intermittent leave or reduced leave, upon notifying their Department Head or his/her designee of this request.

R. No disciplinary or adverse employment action may be taken against a FMLA/FLA eligible employee because they are absent from work due to an FMLA/FLA qualifying event or circumstance if their Department or the County has sufficient information from the employee, their doctor, a doctor for the County or other source that is appropriate

to grant FMLA/FLA protection to the employee without the need for a completed healthcare provider's certification.

S. If either the employee's Department or the County do not have sufficient information regarding an employee's absence to determine whether the employee has a FMLA/FLA qualifying condition or circumstance, or the length of time for which the employee would be qualified for FMLA/FLA protection, and the employee obtains or, is provided with, a healthcare provider's certification form from their Department or the County for completion by their healthcare provider, and the employee does not timely return the completed healthcare provider's certification within 15 calendar days from when they receive it, the employee may forfeit their FMLA/FLA protection, if they otherwise may have been entitled to it.

T. If the employee exhausts all of their available paid leave time either before or while placed on "provisional" FMLA or FLA leave as their Department awaits receipt from them of their healthcare provider's certification so that they forfeit (i.e. lose) their FMLA or FLA protection, if they otherwise may have been entitled to it, the employee then may be subject to discipline retroactively for time abuse, chronic or excessive absenteeism, unauthorized absence, or for other good cause. This may result in, among other things, a suspension or a discharge, depending on the circumstances.

U. **Rolling Look Back** - A rolling twelve (12) month FMLA or twenty-four (24) month FLA look back period from the date a FMLA or FLA qualifying leave is requested to commence, or commences, by an FMLA/FLA qualifying employee shall be used to determine how many weeks of the twelve (12) weeks of FMLA or FLA leave time an eligible qualified employee may take during the twelve (12) month FMLA period, or a twenty-four (24) month FLA period, rather than a calendar year or some other period.

V. **Completion of Necessary Paperwork** - It shall be the responsibility of the employee to request FMLA or FLA leave from the County and to provide the necessary information and satisfactorily completed medical certifications. Notwithstanding the foregoing, when an employee is known or believed to be absent for a ground covered by FMLA or FLA, or when the ground is not known, the Department Head or his designee shall be certain to provide the employee with FMLA/FLA application forms and shall extend to the employee the benefits of FMLA or FLA where sufficient reliable information enables this to be done. No employee known to be eligible and qualified for available FMLA/FLA leave should be disciplined for unauthorized leave. However, if when requested to complete or provide necessary paperwork they fail or refuse to do so, which refusal or failure is properly documented, this may become subject to appropriate discipline and/or denial of FMLA/FLA leave.

W. **Posting Notices** - Departments shall post, and maintain posted, at all times in prominent and conspicuous places for all employees to see the standard FMLA Notice of employee rights and responsibilities.

X. **Recovery of Medical Benefits Expenses** - In the event that an employee misrepresents their intent to return to work with the County following expiration of their requested FMLA or FLA leave, and thereafter does not return, the County reserves the right to recover from the employee the cost and expense of continuing their benefits in anticipation of their return to work.

Y. **Continuation of Health Benefits at Employee's Expense** – An employee on an unpaid FMLA and/or FLA leave shall submit payment for the continuation of their Health Benefits, the amount of which is normally deducted from their paycheck. If an employee continues on unpaid leave after their FMLA (regular or military) leave, or FLA leave expires, or they are on other unpaid leave not covered by FMLA or FLA, the employee is responsible to pay for the continuation of his or her health benefits. If the employee's health (medical, dental and prescription coverage) benefits are not timely paid for by the employee when due, the County reserves the right to discontinue providing the benefits without further notice to the employee. It is the responsibility of employees to pay for all their health benefits in such situations, subject to Section 1:13-5A(10) when applicable to an employee on mandatory extended active military duty.

1:13-8A Military FMLA Leave

FMLA entitlements for military families include the following two circumstances for unpaid military FMLA leave, and cover the following periods of time:

- A. **"Exigency" Leave.** Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that their spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty statute, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." Until so defined, the phrase will be appropriately applied by the County.

- B. **Servicemember Care Leave:** An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the servicemember. This military caregiver leave is available during "a single 12-month period", and only once, during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

- C. State FLA leave runs concurrently with military FMLA servicemember care leave if the criteria to qualify for State FLA leave are satisfied.

- D. An employee's paid State Family leave (if an employee qualifies for same), accrued paid vacation leave, and accrued paid sick leave, may be substituted by the County for any part of the 26-week period provided to care for a covered injured servicemember when military FMLA leave is taken for this purpose.
- E. During a 12-month military FMLA leave period, an employee eligible for up to 26 weeks of military FMLA leave is entitled to a combined total of 26 workweeks of FMLA leave when the leave includes a period of care for a covered servicemember. A qualified employee, therefore, may receive up to 12 weeks of non-military FMLA leave, i.e., regular FMLA leave and/or FLA leave, all concurrently (if qualified), and up to an additional 14 weeks of military FMLA leave to care for a covered servicemember, but may not take more than 26 weeks in total of FMLA leave during a 12-month period. This is premised on the employee having a sufficient balance of FMLA leave available to them. If the balance of available non-military FMLA leave time available at the time of their request is less than 12 weeks, than an employee shall be limited to exhausting the balance of their remaining non-military FMLA leave time, and/or FLA leave time (if applicable), if any, before up to 14 weeks of military FMLA leave commences.
- F. The term "qualifying exigency" is to be defined in U.S. Department of Labor regulations. Until this is done, the phrase is to be applied liberally, reasonably, and on a case by case basis by the County Office of Human Resources. This leave may include requests to deal with such things as, but not limited to, child care issues, personal financial matters, and time needed to get affairs in order.
- G. Qualifying employees may take injured servicemember leave intermittently or on a reduced schedule, when medically necessary. But, this leave must be used within a 12-month period from its commencement. This leave, whether taken intermittently or in a block of time, may only be taken once by an employee.
- H. An employee shall provide such prompt notice to the County of his or her desire to take military FMLA leave as is reasonable and practicable.
- I. An employee's request for military FMLA leave shall be supported by orders, official notice, or a certification of qualifying condition, which shall be provided to the County with the employee's request for this leave, or as soon thereafter as circumstances reasonably permit if at the time of such request an employee has yet to receive their military orders.

- J. The phrase “serious injury or illness” is defined in the Act to be “an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, and/or rating.” Unlike non-military FMLA leave, the qualifying condition need not be for a “serious health condition.”

- K. The phrase “line of duty” is not defined in the Amendment, but is a military term of art that is not limited to combat-related injuries. It excludes injury suffered as a result of gross misconduct by the servicemember. Pursuant to military regulations, injuries of any kind suffered by servicemembers are generally found to be “in the line of duty”, and as such can include automobile accidents, serious non-combat related illness such as cancer, or any other non-combat related injury that renders the servicemember unfit to perform their duties, even if an injury is temporary.

- L. The Amendment does not permit employees to take this extended leave to care for a reservist injured during the course of performing regular reserve duties, which generally consists of one weekend per month and two weeks of annual training per year, unless served pursuant to some other arrangement. But, if a reservist is injured while performing the servicemember’s usual reserve duties, the employee servicemember or family member still might be eligible for up to 12 weeks of Federal FMLA leave, or State FLA leave, or State paid FLA leave, assuming that the eligibility requirements of such Act are satisfied. All run concurrently with each other, not consecutively, if an employee is qualified for each.

- M. Military FMLA leave is applied based upon, and limited to, the express provisions of Federal statutory and regulatory law, as may be construed by applicable case law which is controlling in these matters, and pursuant to the discretion of the County whenever such discretion is permissible under the law.

1:13-8B New Jersey State Paid Family Leave

- A. Beginning July 1, 2009, New Jersey law will provide up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees from either the New Jersey State Plan or an approved employer-provided private plan to:
 - 1. Bond with a child during the first 12 months after the child’s birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.

a. Child means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union partner of a covered individual, who is less than 19 years of age or is 19 years of age or older but incapable of self-care because of mental or physical impairment.

2. Care for a family member with a serious health condition supported by a certification provided by a health care provider. Claims may be filed for six consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12-month period beginning with the first date of the claim.

a. Family member means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

B. New Jersey State Plan

1. Employees covered under the New Jersey State Plan can obtain information pertaining to the program and an application for Family Leave Insurance benefits (Form FL-1), after June 1, 2009, by visiting the Department of Labor and Workforce Development's website at www.nj.gov/labor, by telephoning the Division of Temporary Disability Insurance's Customer Service Section at (609)292-7060, or by writing to the Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387.
2. If an employee is receiving State Plan temporary disability benefits for pregnancy, after the child is born, the Division will mail the employee information on how to file a claim for Family Leave Insurance benefits to bond with the newborn child. If a claim is filed to have Family Leave Insurance benefits begin immediately after the employee recovers from her pregnancy-related disability, she will be paid at the same weekly benefit amount as she was paid for her pregnancy-related disability claim and no waiting period will be required.

3. Financing the Program

This program is financed by employee contributions. Beginning January 1, 2009, employers are authorized to deduct the contributions from employee's wages for all employees covered under the State Plan. These deductions must be noted on the employee's pay envelope, paycheck or on some other form of notice. The taxable wage base for Family Leave Insurance benefits is the same as the taxable base for Unemployment and Temporary Disability Insurance.

C. **Employee Notice to Employer Required** Employees seeking this benefit must provide advance notice to the County of their desire to take leave under this law absent an emergency or unforeseen circumstance as follows:

1. If this leave is sought to care for a child after birth or placement for adoption, the employee must give their employer at least 30 days prior notice.
2. If the leave is to care for a sick family member, the employee is required, whenever possible, to schedule the leave in a way to minimize disruption of the employer's operation.
3. If the leave sought will be intermittent, whenever possible the employee must give at least 15 days prior notice of the need for such leave.
4. A failure to give adequate notice may result in a loss of up to two (2) weeks' worth of paid PFLA benefits.

D. **Concurrence with Other Leaves** The statutory benefits and requirements of the Federal Family Leave Act ("FMLA") 29 U.S.C. § 2612, and the State of New Jersey Family Leave Act ("FLA"), N.J.S.A. 34:11B-4, and the New Jersey Paid Family Leave Act ("PFLA") (also referred to as the New Jersey Paid Family Temporary Disability Leave ("PTDL")), operate in conjunction with each other and run concurrently with each other to the extent permissible. But, the PFLA has no impact on an employee's rights, or an employer's obligation, under FMLA or FLA. The PFLA does not grant an eligible employee an additional time off beyond what FMLA or FLA allow, provided that they are properly applied. Employees should also be notified of this by their Department Head and/or their designee, and/or the County Office of Human Resources.

E. The PFLA itself does not require that an employer maintain the employee's position for any period of time or provide a leave entitlement similar to FLA or FMLA.

F. Under the PFLA, "care" means, but is not limited to, physical care, emotional support, visitation, transportation, and arranging for a change in care.

1:13-9 Other Unpaid Leave

A. Department Heads, in their discretion, may permit full-time employees to take up to six (6) months of unpaid leave for educational purposes, union leave, maternity, paternity, or other legitimate personal reason. Where leave is for an FMLA or FLA qualifying reason, the six (6) months of discretionary leave shall be inclusive of qualifying FMLA or FLA leave. The full-time employee must apply to the Board of County Commissioners at least one month before the original leave expires for an extension of the first six (6) month leave period

if the employee seeks additional unpaid leave, for an additional period not to exceed more than six (6) additional months. Leave of absence without pay shall not normally be granted to an employee to secure a position outside of County government.

B. Leave without pay shall normally be granted only when the employee has used accumulated sick time and vacation. Leave without pay shall be initiated by written request by the employee to his superior, and shall be finally acted upon by the Department Head. The employee shall indicate in his/her written request the reason for leave without pay. Such leave without pay shall normally not be approved for a period longer than six months.

C. Medical Benefits shall be the employee's obligation to pay when out on unpaid leave or not covered by FMLA or FLA leave, subject to Section 1:13-5A(10) above, when applicable.

1:13-10 Jury Duty Leave

Pursuant to *N.J.S.A. 2B:20-16*, any person employed full-time by any agency, independent authority, instrumentality or entity of the State or of any political subdivision of the State shall be excused from employment at all times the person is required to be present for jury service in any court of this State, any court of another state, or any federal district court or in the United States District Court for New Jersey, and shall be entitled to receive from the employer the person's usual compensation for each day the person is present for jury service in lieu of any payment for the juror service as provided in P.L. 1993, c. 275 (*N.J.S.A. 22A:1-1.1*).

1:13-11 Donated Sick Leave Program

The Donated Leave Program will permit County employees to voluntarily donate a portion of their earned sick time to other County employees who have exhausted their own earned sick time and who are suffering from a catastrophic health condition or injury which necessitates the employee's prolonged absence from work.

A. Eligibility:

1. Recipient:

A County employee shall be eligible to receive donated sick leave from other County employees if the employee meets all of the following criteria:

- (a) Must be suffering from a catastrophic health condition or injury or combination of conditions which necessitates the employee's

prolonged absence from work for 60 or more work days, and for which the employee has no availability of paid leave, or is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury.

- (b) Must produce acceptable medical verification from a physician or other licensed health care provider. The medical verification must indicate the nature, severity, and anticipated duration of the disability resulting from the serious health condition or injury involved.
- (c) Must have completed at least one year of continuous County service.
- (d) Must have exhausted all accrued paid leave time including compensatory time, personal time, sick leave and vacation leave.
- (e) Must have received at least 5 donated days from one or more donors to participate in the program.
- (f) Employee has not, in the last two-year period immediately preceding the employee's need for donated time, been disciplined for chronic absenteeism, chronic or excessive lateness or abuse of leave time.

2. **Donor:**

An employee to be eligible to donate leave to another employee must meet the following:

- (a) May donate up to 10 days to any one recipient. Only whole days may be donated.
- (b) Must have remaining in his/her credit following any donation at least 20 days of accrued sick leave.
- (c) Must not have solicited nor accepted anything of value for the donation.

B. **Procedures:**

- 1. Any employee may request to participate in this program. He/she should contact the Office of Human Resources at (732) 745-3854. A supervisor may also initiate this process on behalf of the employee. Decisions regarding eligibility will be made on a case-by-case basis.
- 2. Once a recipient is approved for the program, the Office of Human Resources will post on employee bulletin boards or other appropriate means, the name(s) of eligible employee(s) who will have exhausted all earned paid leave time by

a designated date. The posting will be done only with the recipient's consent. If the employee is unable to consent, the family may consent on behalf of the employee. The Office of Human Resources will also provide notice to all negotiation representatives in the County. The Office of Human Resources will require medical documentation concerning the nature, severity, and anticipated duration of the medical emergency involved.

3. A recipient may not participate in the program unless at least 5 days have been donated to the recipient.
4. Eligible employees may donate within the prescribed limitation only whole days of sick leave, but may not donate more than 10 days to any one recipient.
5. The donor and the recipient (or family representative) will fill out the required forms. No one shall directly or indirectly intimidate, threaten or coerce, or attempt to intimidate or coerce any other employee for the purpose of interfering with any right which such employee may have with respect to contributing, receiving, or using paid leave under this program. The above shall include promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion or compensation). An affidavit to this effect shall be signed by the donor. Any employee who engages in the above prohibited conduct shall be subject to disciplinary action.
6. The donor's leave time will be reduced by the number of days which are to be donated.
7. The eligible recipient's leave time will be credited with the donated time indicating the donor. The recipient may receive days from more than one donor but may not use a total of more than 180 donated days. Records will be maintained showing donor's name and number of days donated.
8. Should an employee return to work, or otherwise terminate the use of leave with donated time remaining, that time will be returned to the donor(s) on a prorated basis in days. Any proration that would amount to less than one day per donor will not be returned.
9. The recipient employee while using donated leave will continue to earn sick, vacation and personal leave. All sick, vacation and personal leave which is earned while an employee is receiving donated sick leave must be used or charged before any additional donated sick leave days are used. If the earned sick leave is unused when the employee returns to work, all such earned time shall be retained by the recipient employee and credited to the employee's accrued sick leave time.

10. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days which he/she received through the donated sick leave program.
11. Once the sick leave has been donated, it may not be revoked by the donor.
12. If a leave donor is not in the same department as the leave recipient, appropriate arrangements shall be made between the affected Department Heads to verify donor eligibility and adjust leave records.
13. Donations may not be used on a retroactive basis.

1:13-12 Safe Act Leave

- A. Pursuant to *N.J.S.A. 34:11C-1*, the New Jersey Security and Financial Empowerment Act (“NJ SAFE Act”), P.L. 2013, c.82, eff. Oct. 1, 2013, provides that an eligible employee in the State of New Jersey who was a victim of an incident of domestic violence or a sexually violent offense, or whose child, parent, spouse, domestic partner, or civil union partner was a victim, is entitled to unpaid leave of no more than 20 days in one 12-month period, to be used in the 12-month period next following the incident of domestic violence or sexually violent offense.
- B. The unpaid leave may be taken intermittently in intervals of no less than one day as needed for the purpose of engaging in certain enumerated activities as they relate to the incident of domestic violence or sexually violent offense.
- C. The eligible employee may elect, or an employer may require the employee, to use any of the employee’s accrued paid vacation leave, personal leave, or medical or sick leave during any part of the 20-day period of unpaid leave. In such cases, any paid leave provided by the employer, and accrued pursuant to established policies of the employer, shall run concurrently with the unpaid leave provided and, accordingly, the employee must receive pay pursuant to the employer’s applicable paid leave policy during the period of otherwise unpaid leave. Furthermore, if an employee requests leave for a reason covered by both the NJ SAFE Act and the “Family Leave Act” or the federal “Family and Medical Leave Act of 1993,” the leave must count simultaneously against the employee’s entitlement under each respective law. Leave granted under this section shall not conflict with any rights pursuant to the “Family Leave Act,” the “Temporary Disability Benefits Law,” or the federal “Family and Medical Leave Act of 1993.”

- D. Prior to taking the leave, an employee must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The notice shall be provided to the County as far in advance as is reasonable and practical under the circumstances.
- E. Nothing contained in this Act shall be construed to prohibit the County from requiring that a period of leave be supported with documentation of the domestic violence or sexually violent offense which is the basis for the leave. If the County requires the documentation, the eligible employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the documents as set forth in *N.J.S.A. 34:11C-3(c)(1-6)*.
- F. Any information provided to the County to support a period of leave or any information regarding a leave taken pursuant this Act, and any failure of an employee to return to work, must be held in the strictest confidentiality, unless disclosure is voluntarily authorized in writing by the employee or is required by a federal or State law, rule or regulation.

1:14 EMPLOYEE FEDERAL CREDIT UNION

1:14-1 Deductions Authorized

- A. Any County employee paid by the County of Middlesex may indicate his desire to have deductions made from his paycheck for payments to the Middlesex County Employees Federal Credit Union. This is done by filing a payroll deduction form, a beneficiary card, and a personal reference card with the Credit Union representative.
- B. The membership shall continue until such time as the employee shall withdraw the authorization for deductions by filing a notice in writing of such withdrawal with the Credit Union representative or with the County Treasurer.

1:15 TRAVEL EXPENSES

- A. Effective January 1, 2015, each employee who is required to use his/her personal automobile in the performance of his/her official duties shall receive the rate established by the IRS statute IT-2013-95 standard mileage rates.

- B. Whenever a County employee receives an assignment out of County or out of State, he/she will be reimbursed for his/her documented expenses. The employee's Department Head will administer this policy.

- C. Middlesex County will reimburse County employees on out of County business travel using the IRS-approved per diem rates for "expense reimbursement for business travel within the continental United States (the CONUS rates)". The new per-diem rates also include incidental expenses incurred during the trip. The new rates are effective October 1 of each year, and are not taxable to the employee.

1:16 ATTENDANCE AT CONFERENCES/SEMINARS FOR COUNTY DEPARTMENT HEADS AND EMPLOYEES

A. Attendance at a conference or training seminar should not be considered automatic; rather, such attendance must be related to the anticipated specific contribution of the conference/seminar to the County in the area of responsibility of the employee who is planning to attend.

B. All County officers and employees must obtain approval by formal resolution adopted by the Board of County Commissioners, prior to attending conferences, conventions and seminars which take place out of state and/or require an overnight stay in a hotel or motel.

C. Sufficient unencumbered funds for the conference or seminar must be available in the appropriate account(s) in the current budget for said department.

D. At least 30 days (or 60 days if an advance of funds will be requested) prior to the proposed conference/seminar, a Department Head shall address a written request to his department County Commissioner setting forth the following information:

- 1. A copy of the program, or if it is not available, a description of the program content of the conference/training seminar;
- 2. Its location;
- 3. The total days involved including travelling to and return;
- 4. Estimated total cost to the County;

5. The name(s) of all departmental employees for whom attendance approval is being sought; and
6. Any further comments which appear appropriate.

The County Commissioner Chairperson will advise the Department Head of his/her decision on the request as soon as possible. The Department Head will provide a copy of his/her County Commissioner Chairperson's approval to the Purchasing Agent, seeking either an advance of funds, and the Chief Financial Officer for reimbursement of expenses.

- E. If an advance of funds is to be requested, a resolution for same must be requested through the normal process through the Office of County Counsel.
- F. Ordinarily, only one member of an office is to attend subject matter of a conference. If the Department Head believes multiple attendance is necessary, he or she should request same in his/her request to his/her County Commissioner Chairperson.
- G. Attendance at these conferences/training seminars shall ordinarily not exceed one national conference and one state conference per year. Exceptions will be considered on an individual basis by each County Commissioner Chairperson.
- H. The County will not be responsible for costs incurred for conferences or training seminars not approved. Any employee who fails to attend a conference or seminar for which the County has pre-paid registration, attendance and/or hotel charges shall be required to reimburse the County for all sums which are not refunded to the County. The only exception shall be when a family emergency shall prevent such attendance.
- I. Before a County employee appears as a speaker, panelist, presenter, moderator, instructor, or the like, at any program, seminar, conference, convention, or training (collectively referred to as "program"), given by anyone other than the County of Middlesex, whether for recompense or not, where the appearance is related to his or her County position or job title which is to be used at the program, his or her County job experience, or any training that he or she received as a County employee, the employee shall:
 1. First inform his/her Department Head, and Immediate Supervisor, in writing of the pertinent program information, including, but not necessarily limited to: dates, place, sponsor, and nature of his or her involvement or participation; and
 2. Obtain the written authorization of the Department Head to proceed.

J. Approval of such request rests in the sole discretion of the Department Head.

K. A failure to timely obtain the written approval of a Department Head may result in discipline, up to and including termination.

L. This policy does not apply to the attendance at a program as a member of the audience, nor does the policy apply to union matters or matters otherwise not having primarily to do with the employee's County employment, or programs that the employee otherwise has a legal right to attend and speak at as a private person.

1:16A Middlesex County Training Program

NOTE: The limit per year per person for training and/or tuition reimbursement shall not exceed a combined grand total of \$600.00.

- A. It is the intent of this policy to provide full-time, permanent employees of Middlesex County the opportunity to acquire and upgrade skills that are essential to their positions, in order to contribute more effectively to the County. This is to be achieved by use of various methods as determined by the County Training Officer within the Office of Human Resources. These methods can include but are not limited to:
 - B. Approved professional on or off-site training courses, workshops or seminars relating to an employee's duties or responsibilities.
 - C. Approved training given by qualified County employees relating to an employee's duties or responsibilities.

1. DEFINITIONS

(a) **Approved Professional Training Courses, Workshops or Seminars:** Such programs include those given by qualified groups/individuals as determined by the Department Head.

(b) **Full-Time Employee:** A full-time employee whose regular hours of duty are the regular and normal work week for that job classification of that department. The employee must have had employment permanency in that title for a minimum of six months.

- (c) **Course Cost:** Cost (Tuition) relating to an approved training course, workshop or seminar, but excluding costs of books, meals and travel expense.
- (d) **Training Officer:** An employee designated to be the Training Officer within the Office of Human Resources shall have the responsibility of evaluating programs, performing training needs assessments, coordinating in-house training and scheduling training requests made by Department Heads, and processing applications.

D. **Approval of Requests for Training, Workshops or Seminar** - An employee must request prior approval on the requisite Office of Human Resources Training Request form from his/her Department Head in order to initiate consideration for attendance at a future training workshop or seminar. Once approval is granted by the Department Head, the form should be forwarded to the Office of Human Resources. The County Training Officer will recommend to the Director of Human Resources to approve or disapprove requests to attend training courses, workshops or seminars based on the following established criteria and availability of funds.

1. A determination in conjunction with the Department Head, as to whether the training, workshop, or seminar requested relates to the employee's present duties, his or her responsibilities or foreseeable higher employment position within the County and whether the request justifies the expenditure.
 2. A determination of whether the training, workshop, or seminar requested can be provided through more cost-effective means.
- E. Employees must have served permanently, in a full-time position, for at least six full months in order to be eligible for consideration under this program.
1. 100% of course payment for an approved Training, Workshop or Seminar will be paid directly by the County if all other available financial resources are exhausted or not available. The employee is responsible for any other costs and books, and travel.
 2. Travel expenses should be handled in accordance with the County's Travel Expense Policy.

- F. **Conditions For Course Payment** - Costs shall be paid for eligible courses meeting the specific requirements set forth by the Office of Human Resources.
- G. **Approval To Attend On-Site Video Training Sessions** - An individual employee's supervisor will approve or disapprove an employee's request to attend on-site, in-house, video training sessions in the designated area during work hours. Viewing times are generally short, and the cost to the County is negligible, therefore, approval should be liberally allowed. Any employee interested in the subject matter may, if they so choose, attend the seminar during lunch or other off-work hours by making arrangements with the Training Officer. Employee should follow the same approval process as for off-site programs.
1. Any employees interested in making use of these programs should contact the Office of Human Resources Training Officer for further information and procedures.

1:17

MIDDLESEX COUNTY TUITION REIMBURSEMENT POLICY

- A. The purpose of this program is to provide permanent, full-time employees the opportunity to acquire knowledge and skills from a recognized institution, in order to:
1. Enable employees to increase their knowledge and skills in order to contribute more effectively to the County.
 2. Encourage the self-development and career progress of employees.
 3. Assist the County in attracting and retaining qualified personnel.

B. DEFINITIONS

1. **Tuition Aid**: A program of tuition reimbursement for employees who attend approved courses of study at recognized educational institutions of their own choosing on their own time.
2. **Recognized Educational Institution of Secondary or Higher Learning**: Such institutions include high schools, vocational/technical schools, junior and community colleges, four-year undergraduate colleges and universities, and graduate colleges and universities.
3. **Employee Skills and Managerial Programs**: Training aimed at increasing skills and knowledge through technical and managerial programs offered at recognized educational institutions.

4. **Full-Time Employee:** A full-time employee whose regular hours of duty are the regular and normal work week for that job classification of that department. The employee must have had employment permanency for a minimum of six full months within the County.
5. **Tuition:** Includes instruction charges for each course established by the institution as shown in its official announcement bulletin and actually paid by the employee.
6. **Fees:** Registration fee, laboratory or other fees directly related to each course as shown in its official announcement or bulletin and actually paid by the employee, (these are reimbursable), but excluding matriculation or graduation fees, activity or health fees, the cost of books, supplies or equipment, deposits or laboratory breakage, meals, travel expense or parking permits and the like, (these are non-reimbursable).

C. Approval of Requests for Tuition Aid

Employee must first obtain the requisite Tuition Aid Reimbursement form which is available from the Office of Human Resources. The Application must be filled out by the employee, approved by the employee's Department Head, and submitted to the Director of Human Resources for approval before the employee starts the spring or fall semester. One form must be submitted for each course taken.

Itemized bills and grades may then be added after initial approval is granted. At that time, a final decision will be made to determine eligibility for reimbursement. All courses must pertain to or enhance County employment. Completed applications should be returned to the Office of Human Resources for review.

D. Conditions of Reimbursement

Reimbursement is not automatic. Tuition Reimbursement shall be provided for eligible courses meeting the established criteria, and based upon the availability of funds. The minimal standard for eligibility shall include but is not limited to:

1. Completion of requisite forms with all required approvals prior to starting fall or spring semester.
2. A determination, in conjunction with appropriate supervisors, as to whether the course requested relates to the employee's present duties or his or her responsibilities within the County.
3. A determination of whether the course requested can be provided through some alternative means.
4. Institution falls within the above definition.

5. Tuition reimbursement will be granted to those employees who have served permanently, in a full-time position, for at least six full months.
 6. Employee has exhausted other avenues for reimbursement (i.e., grants, scholarships). In instances where an employee is receiving reimbursement from some other source, the County will not duplicate but may supplement such tuition aid payment should a verified deficiency exist.
 7. To qualify for tuition aid, an employee must successfully complete the course. The County will only reimburse an employee for a course graded a "C" (average) or better. Employee shall submit copy of prior approval, copy of transcript with paid invoice and identification of payment source with request for reimbursement upon completion of previously approved course.
 8. It is expected that employees will continue their employment with the County, following reimbursement of tuition expenses. Employees who sever their employment with the County within six (6) months subsequent to the completion of a tuition reimbursement course will be obligated to reimburse the County for expended tuition expenses. Employee shall sign payroll deduction/reimbursement form. Employees agree to reimburse the County from any monies due the employee upon his/her departure, as per the signed payroll deduction/reimbursement form, from their last paycheck.
- E. Any employee interested in availing him or herself of this reimbursement program shall contact the Office of Human Resources for more information and follow the established procedures.

**1:18 APPEARANCE AS A WITNESS BEFORE ADMINISTRATIVE
OR JUDICIAL BODIES**

- A. When a County employee is summoned by the County to appear as a witness in any judicial or administrative matter to which he or she is not a named party, the employee shall be granted time off with pay for such appearance. When a County employee is summoned by any other party to appear as a witness in any judicial or administrative matter in which the employee is not a named party, the employee shall be granted time off without pay for such appearance.
- B. An employee shall be granted time off without pay to appear at a judicial or administrative proceeding to which he or she is a named party. However, an employee shall be granted time off with pay to attend his or her workers' compensation proceeding.

1:19 **INCLEMENT WEATHER POLICY**

- A. In the event of inclement weather where no emergency closing has been declared, an employee requesting a vacation or personal day shall call the Department Head, or his or her designee, at least one (1) hour before his or her scheduled starting time.
- B. Those persons who are excused on an inclement weather day shall be charged with a personal day or vacation day.
- C. Any employee calling in for a sick day shall be required to submit a verification of illness by a doctor's note.
- D. If an employee does not have authorization from his or her Department Head for a vacation or personal day, said employee shall be docked that day's pay.

1:19A **Emergency Policy**

- A. The County Commissioner Director shall have the authority to close or delay the opening of all County offices in the event of inclement weather and any other emergency. Prior to the declaration of emergency requiring the closing or delayed opening of County offices, the County Commissioner Director will make an effort, which shall not be binding, to confer with as many of the members of the County Commissioner Board as are available.
- B. In the absence of the County Commissioner Director, the County Administrator shall have the authority to close or delay the opening of all County offices in the event of non-inclement weather and any other emergency. Prior to the declaration of emergency requiring the closing or delayed opening of County offices, the County Administrator will make an effort, which shall not be binding, to confer with as many of the members of the County Commissioner Board as are available.
- C. In the event of an emergency closure for reasons other than inclement weather, the County Inclement Weather Policy should be followed for purposes of staffing and compensation.

1:19B **County Emergency and Inclement Weather Closing Policy and Procedure**

- A. Except for the Prosecutor's Office and the Sheriff's Office, where the County Prosecutor and County Sheriff may implement their own inclement weather and other

emergency condition policies, the below policy and procedure shall apply to all other County employees.

- B. The inclement weather emergency declaration is made when public safety dictates that non-essential County employees are not required to report to work, or when their regular start-time is altered due to an inclement weather emergency.
- C. The Department Head for the Department of Infrastructure Management is the official responsible for notifying the County Administrator upon the evaluation of the existence of an inclement weather emergency. The official emergency declaration will be made by the County Commissioner Director or in his/her absence the County Commissioner Deputy Director after consulting with the County Administrator and other members of the Board.
- D. The Department Head for the Department of Infrastructure Management will make his/her determination based on the condition of the roads with respect to (1) unsafe driving conditions; and (2) the need of the County to keep the roads free of traffic to facilitate plowing operations.
- E. In the event of a declaration of an inclement weather emergency closing, the County has adopted a procedure to be followed, which each Department Head shall follow.
- F. In the event of an emergency closing due to circumstances other than inclement weather, the same procedure for inclement weather closings may be followed in the discretion of the County Administrator.
- G. The Policy and procedure shall apply to all non-union County employees and all County union employees as is agreed to in negotiated contracts adopting same, and for units still negotiating the issue as is consistent with their existing contract or if their contract is silent thereon then as shall be consistent with prior County policy and precedent.
- H. The Board of County Commissioners of the County of Middlesex adopted a list of "essential employees" as submitted by each Department Head, which shall include, but is not limited to, all Department Heads, Office Directors, Division Heads and Supervisors. Based on the type of emergency event as determined by the County Commissioner Director and the County Administrator, other "essential employees" will be further defined. In the event of an Emergency Closing, all "essential employees" shall report to work unless, subject to prior approval by the County Administrator, they

are excused by their Department Head, Executive Director, Administrator or their designee. Department Heads shall maintain the list of essential personnel for their respective department.

- I. When there is an inclement weather emergency declared by the County Commissioner Director and/or the County Commissioner Deputy Director, the County shall decide whether non-essential employees should report to work. Each Department Head has determined a list of essential positions and these employees will report to work.

a. **EMERGENCY CLOSURES AND DELAYED OPENINGS:**

- (1). **EMERGENCY DECLARATION:** The policy applies when all or part of County operations are either subject to a delayed opening or are shut due to an official declaration by the Office of the County Administrator. Official announcements will be carried on radio stations WCTC 1450 AM and WKXW 101.5 FM, the County Intranet and the County website.
- (2). **STATE DECLARATION:** In the event the Governor declares a “State of Emergency” for the State of New Jersey, the County will take into consideration the extent of the emergency and make a determination based on the emergent event as to whether a delayed opening or an emergency shut-down will be declared. The State’s Declaration of a “State of Emergency” does not automatically designate a state of emergency in Middlesex County. Such designation is at the discretion the Middlesex County.
- (3). **ESSENTIAL v. NON-ESSENTIAL:** When there is a delayed opening or an emergency shut-down declared by the County Administrator, the County shall determine the manning requirements of essential personnel. Each Department Head may determine a list of essential positions in advance of any such emergency, but it remains in the discretion of the County to determine additional essential personnel depending upon the circumstances of a particular emergency shut-down.
- (4). **RESTRICTION ON PAID TIME OFF:** In a delayed opening or an emergency shut-down, essential personnel will not be permitted

to utilize paid time off (including personal and vacation days) without the express approval of their Department Head.

- (5). **ESSENTIAL EMPLOYEES:** Essential employees will not be paid premium pay, or any additional compensation merely due to the fact that they are required to work during inclement weather emergency conditions. However, other collective bargaining agreement provisions, which apply independent of emergency weather situations, will continue to be enforced. It is the policy of the County that employees whose positions are deemed essential shall be required to work during inclement weather conditions as part of their duties as a County employee.
- (6). **NON-ESSENTIAL EMPLOYEES:** Non-essential employees ordered not to work as the result of an official emergency shut-down or an inclement weather condition affecting all or part of County operations, shall receive regular compensation for the period of the condition not to exceed Employee's standard hours regular pay, irrespective of the length of the condition. Such limitation is subject to extension in the discretion of the Board of County Commissioners. The compensation policy is dependent upon the negotiated contract. In the event, the Employee is unable to attend work due to the state of emergency, the Employee may choose to either utilize paid or unpaid time or a portion thereof for such purpose, by notifying their Office Director and Office Timekeeper.
- (7). The County's policy with regard to inclement weather is hereby reaffirmed: it is not the policy of Middlesex County to shut down merely because of inclement weather conditions. Absent declaration of a state of emergency by the County Administrator, all employees will continue to work as in the case of a regular business day.

J. All County Employees may call 732-745-5695 starting at 5:00 A.M., if inclement weather conditions exist, to find out if there is any change in employee starting time or status of non-essential employees. The status of the inclement weather may also be accessible on the Middlesex County intranet and website and on WCTC 1450 AM and WKXW NJ 101.5 FM Radio Stations. Upon declaration of an emergency closing and notification to Department Head, each Department Head is responsible for ensuring that essential and non-essential employees in their departments are contacted if necessary and instructed accordingly.

- a. The Middlesex County Emergency Notification System will be activated notifying all Department Heads of this fact.

1:20A Policy on Drug-Free Workplace and Alcohol and Substance Abuse Policy for all Employees of the County of Middlesex not Covered by the County's CDL Policy or Departmental Policies for Corrections and Law Enforcement Personnel

A. POLICY STATEMENT

1. This policy shall apply to all departments, divisions, and agencies employees which are under the control and jurisdiction of the Board of County Commissioners.
2. The purpose of this policy is to provide for a safe, drug-free work environment for all County employees and to provide services to the public by employees not under the influence of unlawful drugs, the abuse of drugs and/or alcohol (collectively referred to as "substance abuse" and/or "drug abuse").
3. The County also recognizes that alcoholism and drug addiction are diagnosable and treatable illnesses. This policy also serves to outline the procedures to be used in dealing with employees under the influence of these substances.
4. Employees required to have Commercial Drivers Licenses ("CDL") or who's work falls within a safety sensitive function shall be governed by the County policy on drug and alcohol use by CDL employees when performing a safety sensitive function except when other vehicle operation or non-safety sensitive employee conduct is specifically addressed herein. Corrections Officers and Law Enforcement personnel subject to promulgated Departmental policies based upon guidelines provided by the Office of the New Jersey Attorney General shall be governed by their written Departmental policies, except when vehicle operation is specifically addressed herein. The policies below shall apply to all employees of the County when not performing safety-sensitive functions or not subject to the CDL policy or Departmental policies on the subjects of these rules and regulations.
5. The County realizes that there is a need to educate and train its workforce about substance abuse. In order to ensure that this policy will be properly instituted and fairly enforced, a training program for all supervisory personnel, and for all non-supervisory personnel, will be offered periodically to all County employees. All supervisors and non-supervisory personnel will be required to attend this training.

The training will be developed and conducted through the Office of Human Resources.

B. DEFINITIONS

1. "Reasonable suspicion" that an employee is using or under the influence of, or impaired by, a drug (including alcohol) may be based upon, among other things:
 - a. Observable phenomena, such as direct observation of drug use, misuse and/or the physical symptoms of being under the influence of a drug; i.e., slurred speech, dilated pupils, staggering, swaying, excessive sweating, irritability;
 - b. A pattern of abnormal conduct or erratic behavior; or the inability or significantly diminished ability to perform one or more essential work functions;
 - c. Arrest or conviction for a drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, distribution or trafficking;
 - d. Information provided from a reliable and credible source that is corroborated.
2. "Drug" and "Substance" - anything which when taken into the body impairs one's ability to function as they normally would while drug-free. In this policy, the terms "Drug" and "Substance" include alcohol, any illegal controlled dangerous substance under *N.J.S.A. 24:21-1 et. seq.*, and 21 U.S.C. § 812, and any legal substance obtained by prescription, over-the-counter or otherwise, whose intake/misuse impairs the individual's work performance.
3. E.A.P. - refers to the Employee Assistance Program of Middlesex County, which is administered through the Office of Human Resources.
4. Impairment - refers to conduct or behavior on the job of an employee who is under the influence of a drug or alcohol which renders them unable to perform one or more essential functions of their job or which puts the employee, his/her fellow employee or the public at large at risk of bodily harm or property damage. The supervisor shall identify the behavior itself and objective observable manifestations perceived to be relevant to that behavior and impairment.

5. Prescription Drug - a drug prescribed by a licensed physician for medical use by the person whose name appears on the prescription.
6. Over-the-Counter Drug - any drug that can be dispensed without orders from a physician.
 - a. Substance - for purposes of this policy is considered either a drug or alcohol.
7. Drug Test - a test to determine the presence of a substance or substances in the body of an employee. For alcohol, it is a breathalyzer test. For drugs, it is a urine sample analysis, currently limited to analysis using Gas Chromatography/Mass Spectrometry (GC/MS). Lab tests shall be administered through a laboratory and use proven methodology.
8. "Conviction", means a finding of guilt, including a plea of nolo contendere or imposition of a sentence or both by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
9. "Drug", means a controlled substance as contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812) and as listed in Schedules I through V of the New Jersey Controlled Dangerous Substances Act (*N.J.S.A. 24:21-1 et seq.*), but does not include tobacco, tobacco products or distilled spirits, wine or malt beverages, as defined in *N.J.S.A. 33:1-1 et seq.*
10. "Employee", means all employees who are employed by the County of Middlesex and any department, division, agency and/or office thereof, whether full or part-time, and whether in the career or unclassified services.
11. "Workplace", means the physical area of operations of a department, division or agency, whether owned or leased by the County of Middlesex, including buildings, grounds and parking facilities in connection therewith. It includes any field location or site at which an employee performs or is authorized to perform work activity and includes any travel between such sites.

C. DRUG AND ALCOHOL PROHIBITION

1. It is the policy of the County of Middlesex to ban the possession, use or distribution of all illegal drugs, drug paraphernalia and the use or purchase of alcohol in the workplace or during work hours. It is the County's policy to prohibit any employee from participating or arranging for the sale, distribution or purchase of unlawful drugs, or alcohol or using unlawful drugs, abusing drugs or alcohol, being under the influence or impaired by an unlawful drug or alcohol product either upon reporting to work or at any time during work hours. This prohibition does not extend to the proper, personal use of prescription, or legitimate over-the-counter drugs such as aspirin or cold remedies, to the extent that they do not impair the employee's performance of work duties.
2. The unlawful manufacture, distribution, dispensation, possession and/or use of a controlled substance, as hereinafter defined, in the workplace shall be prohibited.
3. In addition to any other civil or criminal penalty which is applicable, any employee who is convicted of the illegal manufacture, distribution, dispensation, possession or use of an illegal drug in the workplace shall be subject to the following actions:
4. The forfeiture of his or her public office or employment in accordance with the Forfeiture of Public Office Statute (*N.J.S.A. 2C:51-2*).
5. In those situations where the conviction for a drug offense occurring in the workplace does not merit the statutory forfeiture of public office or employment, the employee shall be subject to disciplinary action, the severity of which shall be determined on a case-by-case basis, and which shall be processed in accordance with the Civil Service Statutes and Regulations as codified respectively in *N.J.S.A. 11A:1-1 et seq.* and *N.J.A.C. 4A:1-1.1 et seq.* In the case of any disciplinary action less than removal from or forfeiture of employment, an employee shall be required to satisfactorily participate in and complete an approved drug abuse treatment or assistance program.
6. Any employee who is convicted of a drug offense committed in the workplace must, within five (5) days, report said conviction to his or her Department Head.
7. Every Department Head or their designee who receives notice of a drug offense conviction shall, within thirty (30) days of receipt of said notice, take all necessary actions for removal where statutory forfeiture is required, or, in those situations not requiring statutory forfeiture, take the requisite disciplinary action and require satisfactory participation in an approved drug treatment or assistance program.

8. Within ten (10) days of receipt of notice of a conviction for a drug offense committed in the workplace, the Department Head or his or her designee shall notify the Office of Human Resources and any Federal agency providing funds for a program in which the employee is employed.
9. The Office of Human Resources shall maintain records for each employee who is convicted of a drug offense committed in the workplace, which records shall contain the following information:
 - (a) Date of conviction;
 - (b) Disciplinary action taken;
 - (c) Whether the employee is employed in a program for which the County receives a Federal grant; and
 - (d) If appropriate, date that Federal grantor was notified of the conviction.

D. VOLUNTARY REPORTING OF SUBSTANCE USE

1. Employees who are experiencing problems with substance abuse are encouraged to come forward and request help. The County will not take disciplinary action for substance abuse against any employee merely because they initiate a request for help. However, acts such as neglect of duty, unbecoming conduct or insubordination which have occurred, which may be due to drug or alcohol abuse, may still subject the employee to disciplinary action. The County may take into consideration mitigating circumstances before any disciplinary action is initiated against any employee who voluntarily seeks help. All information recorded voluntarily will be kept confidential and all these records will be kept separate from the employee's personnel file.
2. Employees who have a drug abuse/misuse problem and need help can confidentially call with the information Personnel/employee assistance program. This information will not be used to discipline the employee but will result in the employee being offered counseling concerning substance abuse.

3. Employees are also reminded that the program is available for their use without charge for an initial evaluation. Employees need not wait until they have problems on the job or have been referred there before they use it.
4. If the program develops or receives from another source a plan that directs the employee to undergo follow-up testing, the cost of this testing shall be borne by the employee and/or their insurance to the extent the insurance pays for any of this.

E. REPORTING OF SUBSTANCE USE

1. When a supervisor, or any employee, detects symptoms which he or she believes has impaired an employee and which may be attributed in whole or part to drug or alcohol use, he or she is to deal with the situation in a rational manner. The supervisor or employee should remain calm and should not become agitated or excited. The priorities in handling this situation are:
 - (a) Ensure that the employee is not a danger to him/herself or others. This employee should be prohibited from operating any equipment, driving a motor vehicle or having contact with the public. The employee should be accompanied to a safe area to rest and await further instruction from a supervisor or the Office of Human Resources. The employee shall cooperate with their supervisor when so instructed. If an employee is believed to be under the influence of alcohol or a drug is violent, threatens violence or leaves the worksite by operating a motor vehicle, the local police or the Sheriff's Office should be contacted promptly by phone by the supervisor, if present, or by a witnessing employee, if no supervisor is present.
2. Contact the Office of Human Resources at 732-745-3409 and speak to a person designated by the Director of Human Resources to take such calls. The supervisor should confidentially and factually report what has been observed and the action taken.
3. The supervisor and his supervisor or another manager should carefully observe and document the times, places and all relevant behavior symptoms being displayed by the employee. This documentation should also include the names of any other people who have witnessed these symptoms or behavior. Copies of these reports, on the required form must be hand delivered to the Office of Human Resources as soon as possible but no later

than the close of business on the next working day, and should be marked: "CONFIDENTIAL."

4. The Director of Human Resources, Department Head or Division Head or his designee shall evaluate the situation and determine the course of action to be taken. In the case of suspected substance abuse, the Director of Human Resources or the Appointing Authority or his designee will have the right to mandate the employee to submit himself/herself for testing and to recommend that the employee report to EAP. If testing is not mandated and/or it would present a safety hazard for the employee to return to work at that time, the employee shall be permitted to make or be given assistance in making alternative transportation arrangements to take the employee home, or to his/her own physician, or to the EAP. The employee shall be advised against driving themselves anywhere, if they seek to do so, until the employee is no longer impaired or can safely drive or find an alternate driver.
5. The Director of Human Resources will notify the supervisor that the documentation has been received and that the Director of Human Resources, Department Head or Division Head has assumed responsibility for the handling of the case.

F. TESTING PROCEDURES

1. It is the policy of the County not to conduct random substance testing on its employees. The County, however, will mandate that an employee submit himself/herself for testing when the Director of Human Resources or designee, Department Head or Division Head has reasonable suspicion of substance use or misuse, which impairs the employee's ability to perform a function of his/her job duties. The identity of any employee who is mandated to submit to a test will be kept confidential.
2. Failure or refusal to submit to a test, or to cooperate therewith, or any step in the procedure leading up to a test, when directed to do so by the Department Head, Division Head, Director of Human Resources or his designee may be considered to support a presumption of impairment and may be deemed to be insubordination, which may be grounds for discipline up to and including removal or termination. Employee shall be subject to the following established criteria of the Office of Human Resources regarding testing.
3. When a test is mandated by the Director of Human Resources, his designee, EAP, or Department Head or his designee, the employee shall be asked to

sign a statement consenting to the test and authorizing the results of the test to be forwarded to the Director of Human Resources. This is a step in the procedure which if not complied with by the employee may be used to support a presumption of impairment.

- a. Urine testing will be done through a licensed laboratory which the County Office of Human Resources contracts with for such testing or on a duly tested properly operating breathalyzer machine. All costs of this County directed testing will be assumed by the County.
 - b. Test results are not public information; therefore, they will be treated as confidential. They will be shared with the employee, the employee's supervisor (on a need to know basis), and the union (when requested by the employee in writing). The results of this test will be stored in the Office of Human Resources files separate from the personnel file. Results may be released to others with written permission of the employee. The results may be used by the Department and County for grievance, disciplinary actions, or court or administrative proceedings.
4. At the time a urinalysis is performed for the County, a split sample will be properly tagged and secured for the employee for seven (7) days if the result is "negative", and if the result is "positive" then the specimen is to be kept for at least ninety (90) days so that the employee may request this sample for independent analysis. When an independent analysis is requested by an employee, it shall be made to another County-approved laboratory selected by the employee. The laboratory which conducted the first test for the County will be responsible for transferring the urine sample to the second County-approved testing facility selected by the employee. This will ensure the security of the sample. All arrangements and costs of this analysis will be assumed by the employee.
 - a. Whenever testing off County premises is directed to be done, the Office of Human Resources shall make necessary arrangements with the Sheriff's Office to transport the employee to the testing location and then either to return the employee to the worksite, or to permit the employee to make alternate travel arrangements to return home, go to the EAP site or go to his/her physician's office.
 - b. A determination should be made by a Department Head or his/her designee as to what screening must be done. Alcohol screenings

must be done within eight hours of the incident, ideally it should be done within two hours. Controlled substances must be screened for within thirty-two hours.

- c. A Department Head or his/her designee should call the Office of Human Resources to request on-site screening, or to request that an employee be transported for screening. It is important to bring to the site a supply of the controlled substance requisition forms which has previously been supplied. Forms necessary for the alcohol screening will be supplied by the technician.
- d. A Department Head or his/her designee can call Communication 732-745-3271 to arrange for any necessary employee transportation.
- e. The Office of Human Resources must be notified the following business day of any incidents which may have occurred.
- f. If there are any questions concerning this procedure, contact the Office of Human Resources.

G. POSITIVE TEST RESULTS

- 1. When an employee tests positive for drugs or alcohol, a number of factors will be considered in arriving at an appropriate course of action. Factors which may serve to affect discipline are whether or not there are any previous positive test results, previous disciplinary decisions against the employee, the employee's conduct and the employee's willingness to seek help and to follow through with a treatment plan.

H. REHABILITATION/COUNSELING

- 1. Employees found to be under the influence of drugs or alcohol during working hours or those who voluntarily seek help, who have available leave time, either paid or unpaid, may seek a temporary leave of absence utilizing their available leave time, at the discretion of their Department Head to attend a rehabilitation program when advised to do so by the EAP, Director of Human Resources or his designee. The employee may apply for temporary disability.

2. Subject to verification and documented follow-up, the County commits to hold open the employee's job while he is in full-time attendance of a County approved rehabilitation program for six (6) weeks per calendar year, subject to displacement through normal Office of Human Resources procedures such as certification against provisionals, lay-offs, expiration of temporary position, etc.
3. Employees who are found distributing, selling or possessing a drug or drugs on the County premises, or in County vehicles, may be subject to immediate removal, and therefore may not be granted a temporary leave of absence.
4. The County will not be required to grant further temporary leaves of absence for detoxification or rehabilitation if a test, taken after the employee has had a reasonable opportunity prior thereto to be detoxified and rehabilitated, shows the presence of an illegal or misused drug or alcohol. Each case will be reviewed individually and a determination will be made as to whether or not another leave will be granted. This decision will be made on a case-by-case basis.

I. OTHER INSTANCES OF SUBSTANCE ABUSE

1. The County is concerned with drug and alcohol misuse problems which adversely affect the employee's work performance. It must be realized that during non-working hours, drug or alcohol use or misuse may have an adverse impact on the employee's job performance.
2. Employees convicted for drug offenses may automatically forfeit their job in accordance with *N.J.S.A 2C:51-2*.
3. Employees who have their licenses suspended for driving while under the influence of a drug or alcohol and whose job requires them to possess and use a valid driver license may be terminated for inability to perform their job duties. Employees who have been convicted of a drug charge on the job must under Federal law report same to the employer.
4. The use of a County vehicle while the employee is under the influence of a drug or alcohol may result in loss of driving privileges of County vehicles for not less than six (6) months, in addition to the possibility of disciplinary action up to and including termination.
5. While the County will provide reasonable assistance to employees who demonstrate a genuine desire to become drug/alcohol-free, the ultimate

responsibility to be drug/alcohol-free rests with the individual employee. Employees should seek help, counseling or guidance from the Employee Assistance Program which will treat this matter on a professional and confidential basis.

6. Each Department Head shall post this policy in conspicuous locations in any location where an employee performs his or her duties. Each employee who is employed in a program for which Federal grant funds are received shall receive a copy of this policy for assisting employees in the identification and referral of anyone with a possible alcohol/substance abuse problem.

1:20B **Alcohol and Drug Testing Policy for CDL and Safety Sensitive Employees**

The Board of County Commissioners endorses the Omnibus Transportation Employee Testing Act of 1991 and the rules mandated by The Federal Highway Administration (FHWA) the Federal Transit Administration (FTA) and the U.S. Department of Transportation. County Employees who perform safety-sensitive functions, supervise personnel in safety-sensitive functions, or are required to have the CDL endorsement on their license to perform their job duties, or whom have the CDL endorsement to be considered for snow removal, shall be subject to the mandated alcohol and drug testing procedures as established in the County CDL Alcohol and Drug Testing Policy during normal working hours and all over-time situations. This Policy shall also apply to any Commercial Motor Vehicle Operator ("CMVO") which includes any person who, pursuant to law, and / or this policy, is required to possess a Commercial Driver's License (CDL), or who possess a Commercial Driver's License Permit (CDLP), in order to operate a commercial vehicle to perform their assigned duties, regardless of whether on a full – time, part – time, or occasional basis.

The CDL policy and procedures were developed from the FHWA and U.S. Department of Transportation rules and are incorporated by reference herein. The Office of Human Resources shall be responsible for the implementation and monitoring of the alcohol and drug testing policy for CDL/Safety Sensitive Employees. Should anyone wish to review said policy and procedure you may make a request through the Office of Human Resources.

1:21 **OFFICIAL TOOL REPLACEMENT POLICY FOR COUNTY EMPLOYEES**

The following is the official policy of the County of Middlesex in regard to replacement of tools used by County employees at the request of a Supervisor in the normal course of their County employment:

- (1) The County of Middlesex shall replace tools, upon the showing and/or presentation of the following:

- (a) The tools in question were required and inventoried by the employee's immediate supervisor.
- (b) The tools in question were damaged and/or lost due to fire and/or theft.
- (c) The tools in question were used by a County employee at the time of loss and/or damage in connection with his or her County employment.
- (d) The loss of and/or damage to said tools in no way resulted from the negligence of said employee.
- (e) An itemized list of the lost and/or damaged tools shall be submitted by the employee along with an affidavit signed by said employee verifying the accuracy of said itemized list. A statement by the employee's immediate superior and Department Head that he or she has reviewed said list and to the best of his or her knowledge, the itemized list is reasonable and accurate, shall also be required.
- (f) The items set forth in (e) shall be submitted to the Purchasing Agent who shall determine the cost of replacement of said tools. The Purchasing Agent shall submit a report to the Board of County Commissioners who shall review said report. If said report is acceptable to the Board, it shall adopt a resolution authorizing the Purchasing Agent to acquire the replacement tools.
- (g) All employee-replaced tools shall become the property of the employee.

1:22 **MIDDLESEX COUNTY CODE OF ETHICS**

Section 1. **Title**

1.01. This document shall be known as and may be cited as the "**Middlesex County Code of Ethics**".

Section 2. **Findings.**

2.01. The Middlesex County Ethics Board finds and declares that:

- a. Public office and employment are a public trust;

- b. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- c. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- d. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties.

Section 3. Purpose and Authority

3.01. It is the purpose of this Code:

- a. To provide a method of assuring that standards of ethical conduct for County employees and officers and financial disclosure requirements for officers of the County of Middlesex shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interests which might arise in the conduct of their public duties.
- b. It is the further purpose of this Code to implement the provisions of the Local Government Ethics Law, P.L. 1991, c. 29.

Section 4. Definitions

4.01. As used in this Code:

- a. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the County of Middlesex, and any independent County authority created by or appointed under the authority of the County of Middlesex, which performs functions other than of a purely advisory nature;
- b. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity;

- c. "County employee" means any persons, whether compensated or not, whether part-time or full-time, employed by or serving on an agency who is not a County officer, as defined below;
- d. "County officer" means any person, whether compensated or not, whether part-time or full-time, who is one of the following:
 - 1. A holder of County elective office, including Constitutional officers.
 - 2. **COUNTY ADMINISTRATION**
 - County Administrator
 - Clerk to the Board of County Commissioners
 - Deputy Clerk, Board of County Commissioners
 - Archives and Records Management, Supervisor
 - County Counsel
 - Assistant County Counsel
 - Deputy County Counsel
 - First Deputy County Counsel
 - Office of Business Engagement, Director
 - Office of Communications, Director
 - Public Information Officer
 - Office of Human Resources, Director
 - Office of Human Resources, Assistant Director
 - Office of Human Resources, Labor Relations Specialist
 - Office of Human Resources, Senior Labor Relations Specialist
 - Office of Labor Relations & Compliance, Director
 - Office of Information Technology, Director
 - Office of Marketing, Director
 - Office of Professional Development, Director
 - Office of Public and Government Affairs, Director
 - DEPARTMENT OF BUSINESS INNOVATIONS, EDUCATION & OPPORTUNITY**
 - Department Head of Business Development & Education
 - The Arts Institute of Middlesex County, Director
 - The Arts Institute of Middlesex County, Division Head of Art & History Program Services
 - The Arts Institute of Middlesex County, Division Head of Historic Sites & History
 - Office of Business Innovation, Director
 - Rutgers Cooperative Extension Service of Middlesex County, Agricultural Agent, Director
 - County 4-H Agent
 - Office of Career Opportunity, Director
 - Office of Career Opportunity, Deputy Director

Office of Career Opportunity, Executive Coordinator
Superintendent of Schools

DEPARTMENT OF COMMUNITY SERVICES

Department Head of Community Services
County Adjuster
Office of Aging and Disabled Services, Executive Director
Office of Aging and Disabled Services, Division Head of
Transportation
Deputy County Clerk
Special Deputy County Clerk
Office of Human Services, Director
Office of Human Services, Division Head of Housing & Social
Services
Office of Human Services, Division Head of Addiction and Mental
Health Planning
Office of Human Services, Division Head of Children's Services
Office of Human Services, Division of Social Work Services, Manager
Office of Human Services, Public Housing Agency, Executive
Director
George J. Otlowski, Sr. Center for Mental Health Care, Executive
Director
George J. Otlowski, Sr. Center for Mental Health Care, Medical
Director
Veterans Internment, Supervisor
Deputy Surrogate
Special Deputy Surrogate

DEPARTMENT OF FINANCE

Department Head of Finance, Chief Financial Officer
County Treasurer
Assistant Treasurer
Assistant Comptroller
Budget Director
Internal Performance Auditor (Senior Auditor)
Department of Finance, Chief of Staff
Purchasing Agent
Assistant Purchasing Agent
County Insurance Manager

DEPARTMENT OF INFRASTRUCTURE MANAGEMENT

Department Head of Infrastructure Management
Office of Facilities Management, Director

Office of Golf Management, Director
Office of Parks and Recreation, Director

DEPARTMENT OF PUBLIC SAFETY & HEALTH

Department Head, Public Safety & Health
Department Public Safety & Health, Business Manager
Office of Adult Corrections and Youth Services, Warden
Office of Adult Corrections & Youth Services, Business Manager
Office of Adult Corrections & Youth Services, Chief of Staff
Office of Adult Corrections & Youth Services, Head of Internal Affairs
Investigations
Office of Adult Corrections & Youth Services, Head of Intelligence
Investigations
Juvenile Detention Facility, Superintendent
Juvenile Detention Facility, Division Manager of Investigations
Office of Emergency Management & Preparedness, Coordinator
Office of Emergency Management & Preparedness, Deputy
Coordinator
Office of Inspections, Director
Office of Inspections, Division Head of Consumer Affairs
Office of Inspections, Division of Weights & Measures,
Superintendent
Office of Inspections, Division of Weights & Measures, Deputy
Superintendent
Office of the Medical Examiner, Chief Medical Examiner
Office of the Medical Examiner, Assistant Medical Examiner
Office of the Medical Examiner, Morgue Custodian
First Assistant Prosecutor
Deputy First Assistant Prosecutor
Office of the Prosecutor, Chief of Investigators
Office of the Prosecutor, Deputy Chief of Investigators
Office of the Prosecutor, Chief of Staff
Office of Public Health, Director
Office of Public Health, Division Head of Environmental Health
Office of the Sheriff, Chief Sheriff's Officer,
Office of the Sheriff, Chief Warrant Officer
Office of the Sheriff, Director, Bureau of Narcotics
Office of the Sheriff, Undersheriff

DEPARTMENT OF TRANSPORTATION

Department Head of Transportation
Office of Engineering, County Engineer
Keep Middlesex Moving, Director
MCAT, Director

Office of Planning, Director
Office of Public Works, Director

AUTONOMOUS AGENCIES

Agricultural Development Board Members
Board of Elections Commissioners
Board of Elections, Administrator
Board of Elections, Secretary
Board of Social Services Members
Board of Social Services, Counsel
Board of Social Services, Director
Board of Social Services, Director of Welfare
Board of Social Services, Fiscal Officer
Board of Social Services, Personnel Officer
Board of Social Services, Senior Accountant
Construction Board of Appeals Members
Ethics Board Members
Middlesex County College Board of Trustees
Middlesex County College, President
Middlesex County Improvement Authority Members
Middlesex County Improvement Authority, Director Administration
Middlesex County Improvement Authority, Executive Director
Middlesex County Improvement Authority, Financial Officer
Middlesex County Improvement Authority, Director, Economic
Development
Middlesex County Improvement Authority, General Counsel
Middlesex County Improvement Authority, Purchasing Agent
Middlesex County Utilities Authority Board Members
Middlesex County Utilities Authority, Executive Director
Middlesex County Utilities Authority, General Counsel
Middlesex County Utilities Authority, Treasurer
Middlesex County Utilities Authority, Solid Waste Division Manager
Middlesex County Utilities Authority, Wastewater Division Manager
Mosquito Extermination Commission Members
Mosquito Extermination Commission, Superintendent
Mosquito Extermination Commission, Treasurer
Planning Board Members
Planning Board Attorney
Roosevelt Care Center, Administrator
Roosevelt Care Center, Financial Officer
Vocational and Technical High School Board Members

"County officer" shall also include any person who is a managerial executive or confidential employee, as defined in the "New Jersey Employer-Employee Relations Act"

(N.J.S.A. 34:13A-3) of the County of Middlesex or any agency created by or appointed under the authority of the Board of County Commissioners. "County officer" shall not include a member of the Tax Board or Board of Elections or the Tax Administrator, all of whom are deemed to be State employees and covered thereunder.

- e. "County matter" means any application, award, bid, claim, contract, license, permit, proceeding, prosecution, resolution or transaction made by, to, against or with County government or any County officer or employee.
- f. "Financial interest" means any partnership, association, joint venture, proprietorship or corporation in which a County officer or employee, or his or her spouse or child has ownership or control of more than ten per cent (10%) of the stock or is a director or officer.
- g. "Member of immediate family" means the spouse or dependent child, as defined by the Internal Revenue Service Regulations, of an officer or employee.
- h. "Personal interest" means any interest of a County officer or employee or his or her spouse or child.

Section 5. Ethical Standards

5.01. No officer or employee of Middlesex County or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.

5.02. A. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

B. The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

5.03. No officer or employee shall act in his or her official capacity in any matter where he, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment.

5.04. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or others.

5.05. No officer or employee shall undertake any employment or service, whether compensated or not which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

5.06. No officer or employee, member of his or her immediate family, or any business organization in which he or she has an interest, shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of his or her official duties.

5.07. No officer or employee shall use, or allow to be used, his or her public office or employment, or any information, not generally available to the members of the public, which he or she receives or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself, any member of his or her immediate family, or any business organization with which he or she is associated.

5.08. No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the County in connection with any cause, proceeding, application or other matter pending before any agency in the County of Middlesex in which the officer or employee serves. An exception is allowed for the representation of one employee by another where the representation is within the context of official labor union or similar representational responsibilities.

5.09. No officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

5.10. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family, whether directly or indirectly, in return therefor.

5.11. Nothing shall prohibit any officer or employee of Middlesex County, or members of his or her immediate family, from representing himself, herself or themselves, in negotiations or proceedings concerning his, her, or their, own interests.

5.12. No officer or employee of Middlesex County or members of his or her immediate family or business organization in which he or she has an interest, shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase made, entered into, awarded or granted by the County or agency thereof, unless such contract, agreement, purchase or sale was made or let after public notice and competitive bidding, provided, however, that the provisions of this section shall not apply to purchases, contracts, or agreements which by law are not required to be made, negotiated or awarded with public advertising or bids if such purchases, contracts, or agreements shall have received a prior advisory opinion of the County Ethics Board.

5.13. No officer or employee elected or appointed in the County shall request, use or permit the use of any public property, vehicle, equipment, labor or service for personal convenience or the private advantage of himself or any other person. This prohibition shall not be deemed to prohibit an officer or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officers and employees in the conduct of official business.

5.14. No Middlesex County board, agency, commission or other County body shall, for a period of two (2) years next subsequent to the termination of services or employment of any County officer or employee, allow the former officer or employee to appear before it, in relation to any case, proceedings or application in which the officer or employee personally participated during the period of his or her service or employment or which was under his or her active consideration.

5.15. No person shall induce or attempt to induce any County officer or employee to violate any provision of the "Middlesex County Code of Ethics".

5.16. No family member, as defined herein, of any County elected official, shall, after the effective date hereof, be hired by any County Department or autonomous agency in any full-time or part-time position.

A family member of a Department Head, Office Director, Division Head, member of any County autonomous agency or executive director of any County autonomous agency may be hired in any full-time or part-time position, as long as the family member is not employed in a position under the direct supervision of the Department Head, Office Director, Division Head, member of any County autonomous agency or executive director of any County autonomous agency.

For purposes of this section, “family member” shall mean: spouse; children; parents; stepchildren; in-laws; siblings; nephews; nieces; and first cousins.

The term “under the direct supervision” shall mean: a position wherein the family member is employed in the department, office, division or agency, where applicable.

5.17. Neither Middlesex County nor any autonomous agency or authority established by the Board of County Commissioners shall award a contract to or have a business relationship with any former County elected official, Department Head, Division Head, member of any County autonomous agency or authority or executive director of any autonomous agency or authority or any business organization in which said former official, employee or member has an interest for a period of three (3) years after the termination of office or employment of said individual. This restriction shall not apply to the award of contract which is publicly bid pursuant to *N.J.S.A. 40A:11-1 et seq.*

Section 6. Political Activity

6.01. No public official or County employee, who has a fixed or regular work schedule, shall engage in partisan political activity for or on behalf of any individual, group or organization during County working hours. This provision shall not apply to any public official who holds an elective County office.

6.02. County employees, County officers and County elected officials may not knowingly solicit, accept or receive a political contribution from any person who has, or is seeking to obtain, contractual or other business or financial relations with the County.

6.03. No County employee, County officer and/or County elected official shall solicit, accept or receive political contributions of any kind while in or on any County owned or leased building or property which is dedicated for the conduct of public business. No County employee, County officer and/or County elected official shall permit the solicitation, acceptance or receipt of political contributions of any kind to occur in or on any County owned or leased building or property which is dedicated for the conduct of public business.

6.04. “Political Contribution”:

- a. Includes any gift, subscription, loan advance or deposit of money or anything of value, made for any political purpose; and

- b. Includes any contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for any political purpose; and
- c. Includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for the personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose; and
- d. Includes the provision of personal services for any political purpose.

6.05. To the extent not prohibited above, nothing in this section is intended to preclude County employees, County officers or County elected officials from participating in the political process, including fundraising on their own time and off County property.

Section 7. Duty to Report Solicitation

7.01. In the event that a County employee, County officer or County elected official is approached by any person who solicits influence, favor or vote in return for political contribution, as defined, or payment, direct or indirect, that official is charged with the duty to disclose the details of the solicitation to the Ethics Board, in writing.

7.02. Said disclosure is to be made as promptly as possible and in no event more than fourteen (14) days after the incident.

7.03. Failure to make disclosure of the solicitation shall be a breach of this Code and shall be handled according to the provision of Section 12 herein.

Section 8. Financial Disclosure

8.01. Every officer of the County of Middlesex shall annually file a financial disclosure statement with the County Clerk.

8.02. All financial disclosure statements shall include the following information, which shall specify, where applicable, the name and address of each source and the officer's job title:

- a. Each source of income, earned or unearned, exceeding \$2,000 received by the officer or member of his or her immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not

be reported unless the local government officer or member of his or her immediate family has an interest in the business organization;

- b. Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his or her immediate family during the preceding calendar year;
- c. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the local government officer or a member of his or her immediate family during the preceding calendar year;
- d. The name and address of all business organizations in which the local government officer or member of his or her immediate family had an interest during the preceding calendar year; and
- e. The address and brief description of all real property in the State in which the local government officer or a member of his or her immediate family held an interest during the preceding calendar year.

8.03. The Middlesex County Ethics Board shall prescribe a financial disclosure statement form for filing purposes. If a financial disclosure statement form has been promulgated by the New Jersey Local Finance Board, in accordance with the New Jersey Local Government Ethics Law, then that form shall be used. The Middlesex County Ethics Board shall make the forms available to the officers and employees required to file a financial disclosure statement.

8.04. The original statement shall be filed with the County Clerk or before April 30th of each year. A copy of the statement shall be filed with the Middlesex County Ethics Board.

8.05. No holder of elective or appointive office who is licensed to practice law shall be required to disclose any information pursuant to this section, if such disclosure would constitute a violation of the Disciplinary Rules adopted by the Supreme Court of the State of New Jersey.

8.06. All financial disclosure statements filed shall be public records.

Section 9. Powers of Middlesex County Ethics Board

9.01. The Middlesex County Ethics Board, which was established by the Middlesex County Board of County Commissioners by resolution dated July 3, 1991, shall have the following powers:

- a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the County code of ethics or financial disclosure requirements by local government officers or employees serving Middlesex County;
- b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- c. To forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving Middlesex County which may warrant the institution of other legal proceedings by the Attorney General;
- d. To render advisory opinions to local officers or employees serving Middlesex County as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements;
- e. To enforce the provisions of the code of ethics and financial disclosure requirements with regard to officers or employees serving Middlesex County and to impose penalties for the violation thereof as are authorized by this Section; and
- f. To adopt rules and regulations and do other things as are necessary to implement the purposes of this Section.

Section 10. Advisory Opinions

10.01. An officer or employee of Middlesex County may request and obtain from the Middlesex County Ethics Board an advisory opinion as to whether any proposed activity or conduct would in its opinion constitute a violation of the code of ethics or any financial disclosure requirements.

10.02. Upon the showing of good cause and the need for immediate action, the Middlesex County Ethics Board shall meet to consider and render a formal advisory opinion, whenever possible, within twenty (20) business days after receipt of a request for such opinion.

10.03. Advisory opinions shall not be made public, except to the person asking for the opinion, except when the Board by the vote of two-thirds of all of its members directs that the opinion be made public.

10.04. Public advisory opinions shall not disclose the name of the officer or employee unless the Board in directing that the opinion be made public so determines.

Section 11. Formal Complaints

11.01. The Middlesex County Ethics Board shall, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of Middlesex County is in conflict with the code of ethics or financial disclosure requirements, acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.

11.02. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.

11.03. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee of Middlesex County against whom the complaint was filed.

11.04. If the Board shall conclude that the complaint is within its jurisdiction and has at least a minimal factual basis, the Board shall notify the officer or employee of Middlesex County against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.

11.05. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he or she wishes.

11.06. If the Board determines that a reasonable doubt exists as to whether the officer or employee of Middlesex County is in conflict with the County code of ethics or any financial disclosure requirements, the Board shall conduct a hearing concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee. All hearings required pursuant to this Section shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a State Agency in contested cases under the "Administrative Procedure Act", (*N.J.S.A. 52:14B-1 et seq.*).

11.07. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the code of ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the Board.

11.08. If the Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limits of Section 12. A final decision of the Board may be appealed to the Local Finance Board within 30 days of the decision.

Section 12. Enforcement and Penalties

- 12.01.** An appointed officer or employee of Middlesex County found guilty by the Board of the violation of any provision of this code of ethics shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999", *N.J.S.A. 2A:58-11*. The Middlesex County Ethics Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.
- 12.02.** An elected officer or employee of Middlesex County found guilty by the Middlesex County Ethics Board of the violation of any provision of this Section or of any code of ethics in effect pursuant to this Section, shall be fined not less than \$100.00 nor more than \$500.00, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999", (*N.J.S.A. 2A:58-11*).
- 12.03.** The finding by the Middlesex County Ethics Board that an appointed officer or employee of Middlesex County is guilty of the violation of the provisions of this code of ethics shall be sufficient cause for his or her removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this code of ethics, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

Section 13. Records of Ethics Board

- 13.01.** All statements, complaints, requests, or other written materials filed pursuant to this code of ethics, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this code shall be preserved for a period of five years from the date of filing or preparation, as the case may be.

Section 14. Effective Date

- 14.01.** This code of ethics shall take effect upon adoption, publication, public hearing and final adoption as required by law.

Section 15. Limitations

15.01. To the extent that any term contained herein is not defined, then the definition, if any, contained in the Local Government Ethics Law, *N.J.S.A. 40A:9-22.1 et seq.* shall control.

1:23 INDEMNIFICATION POLICY FOR COUNTY EMPLOYEES

1:23-1 Statement of Policy

The County of Middlesex is hereby authorized to defend and/or indemnify its officials and employees for claims brought against such officials or employees which arise from the lawful discharge of their County employment.

1:23-2 Definitions

County official or employee means:

- A. any present or former elected official, appointee or employee whether paid or unpaid, including members of any Board, Commission, Agency or Authority or other body who are appointed by the Board of County Commissioners;
- B. Members of Advisory Committees;
- C. Volunteers who are appointed by the Board of County Commissioners who serve in programs that are sponsored and supervised by the County or its personnel or serve in programs in which the County participates and supervises.
- D. Course based Fire Academy instructors.

1:23-3 Limitations

The defense and/or indemnification of any action may not be approved under the following conditions:

- A. The act or omission which is the subject of the claim was not within the scope of employment and/or authority.
- B. The act or omission which is the subject of the claim was due to actual fraud, willful misconduct or actual malice.
- C. The defense of said action would result in a conflict of interest between the County and the official or employee involved.

- D. There is in existence a policy of insurance through which the County official or employee would be entitled to a defense of the action from the insurer.
- E. The County official or employee has failed to advise the County Administrator within ten (10) working days of the receipt of any summons, complaint, notice or pleadings in the action brought against him or her.
- F. The County official or employee fails to fully cooperate with the County in the defense of the action.
- G. The Board of County Commissioners reserves the right to seek reimbursement for attorney's fees from the County employee, when recommended by the County Counsel, in those cases where the claim in issue against the County employee is sustained.

1:23-4 Damages

The County shall indemnify County officials or employees for compensatory damages, as well as exemplary or punitive damages, resulting from the official's or employee's civil violation of State or Federal law if, in the opinion of the Board of County Commissioners, the acts committed by the official or employee upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct, or an intentional wrong.

1:23-5 Manner of Indemnification

The County shall have the option of either retaining counsel of its choice to defend said County official or employee, or reimbursing said County official or employee for reasonable attorney's fees expended by said County official or employee in his or her defense.

**1:24 POLICY CONCERNING REPRESENTATION OF COUNTY
EMPLOYEES AND ATTORNEY FEE SCHEDULE**

The policy of the County is as follows:

- A. All causes of actions or legal proceedings filed against a County employee arising out of or incidental to the performance of his duties shall be defended at the County's expense on the employee's behalf except for disciplinary actions or criminal proceedings instituted by the County against the employee.

- B. All such causes of actions or legal proceedings filed shall be forwarded immediately upon receipt to the Office of County Counsel by the employee.
- C. The Office of County Counsel shall provide a defense to any eligible aforementioned issues for the employee through one of the following:
 - 1. Assign a deputy or assistant county counsel to represent the employee; or
 - 2. Approve the retention of private counsel to represent the employee pursuant to “D” and “E” below.
- D. Assignment of counsel through the County's Self-Insurance Program.
- E. The fee schedule for private counsel to represent a County employee at the County's expense is as follows:
 - 1. \$100.00 per hour for any and all aspects of cases in the Superior Court, Law or Chancery Division, Appellate Division, New Jersey Supreme Court, Federal District Court or the United States Court of Appeals.
 - 2. \$100.00 per hour for all municipal court work.
- F. No private counsel will be paid unless County Counsel, with the concurrence of the Board, has authorized his services in writing prior to the performance of those services and private counsel has agreed in writing to perform said services in accordance with the fee schedule established in paragraph 4 above. Private counsel will, in its submission for final payment, advise as to the disposition of the case.
- G. County Counsel shall, upon approval of the County Commissioner Director, and without further resolution of the Board of County Commissioners be authorized to retain private legal counsel, at the rate of \$100.00 per hour, to represent County officers and employees as required, for confidential matters.

1:25 SMOKING IN THE WORKPLACE

It is the policy of Middlesex County that smoking and the use of tobacco products by any individual in any and all Middlesex County government offices/worksites or facilities, whether owned, rented or leased by Middlesex County, is prohibited. Tobacco products shall include, but not be limited to: cigarettes; electronic cigarettes (commonly referred to as “e-

cigs")(as banned from public places per "New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq.), cigars; pipes; smokeless tobacco; chewing tobacco; or tobacco substitutes.

1:26 CHILD CARE ASSISTANCE PROGRAM

All full-time employees who have been employed by the County for at least ninety (90) days and employees working twenty (20) or more hours per week shall be eligible to apply for financial assistance under the Child Care Assistance Program based upon the following criteria:

- A. The County shall reimburse the employee for a portion of the expense for each child under the age of six (6), or up to September 1st immediately following them becoming six (6) years old, who resides in the County employee's household. The provider may be a member of the employee's family, with the exception of the employee's spouse. If the County employee has partial custody, coverage will be based upon the percentage of time in which the child is residing in the County employee's household and who is receiving child care. Said reimbursement is for a County fiscal year based on the annual base salary of the employee in a given County fiscal year as follows:
 - 1. Employees receiving annual base salary of \$18,000 and less shall receive reimbursement in the amount of \$50.00 per child per week.
 - 2. Employees receiving annual base salary between \$18,001 and \$25,000 shall receive reimbursement in the amount of \$45.00 per child per week.
 - 3. Employees receiving annual base salary in excess of \$25,001 through \$60,000 shall receive reimbursement in the amount of \$30.00 per child per week.
 - 4. Employees receiving annual base salary in excess of \$60,000 shall receive no reimbursement.
 - 5. Where husband and wife are employed by the County of Middlesex, the annual base salary of the higher paid spouse will be the basis for assistance.
 - 6. Employees on maternity leave are ineligible to receive reimbursement under the policy until they return to work, after which, they must amend their application if adding another child.

7. Employees shall be required to provide proof of payment from a child care provider for each month's services. Employees shall have forty-five (45) days after each month in which to submit a receipt for reimbursement, any proof of payment submitted after this deadline will be considered untimely, and no reimbursement will be issued for that month. Employees submitting fraudulent applications and/or receipts will be subject to repayment of any funds received and immediate disqualification from the Child Care Assistance Program.
8. Applications for reimbursement shall be made annually on forms to be supplied by the County Office of Human Resources.

1:27 VIDEO DISPLAY TERMINAL EMPLOYEE
CONSIDERATIONS

The County of Middlesex is interested in the physical working conditions and well-being of its employees. It strives to make reasonable accommodations for individuals who work extensively on video display stations. It may provide the following:

- A. Training for video display terminal employees.
- B. Chairs that are adjustable in height and the angle of the back support.
- C. A work station designed to provide for independent adjustment of the keyboard height, screen height and position (if available in said equipment).
- D. Other accessories as needed or required on an individual basis such as foot and wrist rests, anti-glare screens, anti-static pads or spray, etc.
- E. Where practicable, the work station should have direct sunlight shaded, and operators should be seated at right angles to any windows to avoid seating arrangements that have the operator facing the window.
- F. Where practicable, non-fluorescent lighting should be provided for each work station. All existing fluorescent lighting should be modified to lessen or reduce glare.

- G. The work space should be free of any potential electrical hazards, including exposed wires or exposed extension cords.
- H. Break times should be varied for full-time VDT operators or those under heavy visual demand.
- I. Whenever possible, when departments buy VDT equipment, they should also try to budget for proper furniture to arrive at the same time.
- J. Upon submission of proof satisfactory to the Office of Human Resources that an employee is physically incapable from operating a VDT terminal due to injury, disability or pregnancy, the employer should make every effort to assign such employee to appropriate, alternative duties in the same title for the period of such disability, provided that such temporary assignment shall not exceed one year.

1:28 POLICY AND PROCEDURE REGARDING
DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

1:28:1 A. Statement of Purpose

- 1. The issue of people working together is vital to the public-sector workplace. In recognition of the dignity and worth of each person, this Policy concerning discrimination and harassment is promulgated County-wide.
- 2. All employees and prospective employees, regardless of their actual or perceived Race, Color, Creed, Nationality, Ancestry, Religion, Age, Disability, Sex, Pregnancy, Affectional or Sexual Orientation, Gender Identity or Expression, Marital or Civil Union, or Domestic Partnership Status, Liability for Military Service, Genetic Information (including the refusal to submit to genetic testing), or one's relation to such person, shall be permitted to be considered for employment, and to work in an environment free from all forms of discrimination and conduct which is harassing, as shall persons conducting business with the County.
- 3. This Policy applies with respect to:
 - (a) Hiring, Promotion, Transfer, Demotion, Termination, Salary, Benefits, Other Privileges, Condition or Terms of Employment, Layoff, Harassment, Apprenticeship and Training Programs, Job Referrals, or Union Membership, or

- (b) Retaliation for Filing a Complaint, Participating or Testifying in Any Proceedings or for Opposing Any Acts Forbidden under the New Jersey Law Against Discrimination, or any other State or Federal law.
- 4. It is the primary responsibility of Department, Heads, Division and Office Directors and Heads, as well as all supervisory personnel, to ensure that a working environment free from harassment and discrimination is provided to all employees.
- 5. A single inappropriate remark, or conduct, can give rise to a charge of discrimination or harassment, and discipline up to and including termination, even if the intent behind a remark or action was entirely innocent. Consequently, at all times employees should be mindful of what they say and do. Past practice and apparent tolerance for any improper remark or conduct is no excuse to continue such conduct or remarks. Employees should be respectful of each other at all times and of persons conducting business with the County.
- 6. Discrimination and harassment undermine the integrity of the employment relationship. It is a violation of the County's Human Resources policies and may violate State and federal laws, as well. It debilitates morale, is offensive, interferes with work productivity, and creates a hostile and intimidating work environment.
- 7. The County's Policy serves to:
 - (a) inform County employees about conduct that constitutes discrimination and harassment, or may result in discipline up to and including termination;
 - (b) ensure that all employees understand that harassment and discrimination will neither be condoned nor tolerated;
 - (c) create a procedure to promptly, thoroughly, confidentially, and respectfully handle complaints;
 - (d) and ensure that retaliation against complainants or participants in any investigation does not occur, or is the subject of corrective or disciplinary action if it does.
- 8. In keeping with these goals, harassment and discrimination in the workplace are strictly prohibited by the County. Employees have the right to work in an environment which is free from discrimination of any kind. The establishment and observance of this policy is the foundation of the County's commitment to the principles of true equality and respect in the workplace.
- 9. An employee's conduct may constitute a violation of this policy and subject an employee to discipline even if the conduct does not constitute unlawful discrimination, or unlawful harassment, or is not otherwise unlawful.

10. This Policy and responsibility pertains not only to conduct which may be undertaken by supervisory and non-supervisory County employees, but also to actions taken by or toward non-employees conducting business with the County. To ensure that all County employees are aware of their rights and responsibilities, this policy will be distributed to all County employees.
11. An employee who violates this Policy may be held personally liable for their conduct for the fees, costs and related expenses incurred for their defense in any legal action, in addition to any monetary liability for damages including, but not limited to, punitive damages which may be adjudged against such an employee in any legal action.

B. Scope and Effective Date

1. This Policy applies to all employees in County Departments, Offices, Divisions, Units, and Instrumentalities under the control of the Board of County Commissioners (hereinafter referred to collectively as "entities"), as well as volunteers working on behalf of the County in such entities, and prohibits such conduct by or towards all employees/volunteers in or at such entities, and/or toward any member of the public when interfacing with any County personnel service, activity, or program. Independent contractors, vendors, and all other parties engaged in any contracted business relationship with Middlesex County are expected to adhere to the spirit and intent of this Policy.
2. Behavior defined herein as harassment or discrimination may occur between people of the opposite or the same gender, actual or perceived Race, Color, Creed, Nationality, Ancestry, Religion, Age, Disability, Sex, Pregnancy, Affectional or Sexual Orientation, Gender Identity or Expression, Marital or Civil Union, or Domestic Partnership Status, Liability for Military Service, and Genetic Information (including the refusal to submit to genetic testing), or relation to such person.
3. Harassment and discrimination covers all business hours of the workplace. It may also involve certain conduct after hours if improper conduct carries over into the workplace. Instances in which it can occur may include function or work-related meetings or social events, ceremonies, or other work-related meetings or events or activities, recruitment, testing, selection, hiring, placement, upgrading, promotion, demotion, transfer, discipline, termination, training, rate of pay, fringe benefits, other privileges, conditions or terms of employment, layoff, apprenticeship and training programs, job referrals, use of facilities, and social activities that can affect the workplace.

1:28-2 Management Responsibilities

A. In order to ensure the integrity of the work environment, all managerial and supervisory personnel are required to ensure adherence to and compliance with this Policy; and, upon being informed of possible harassment or discrimination are required to take appropriate immediate action in response, including but not limited to, informing employees of their right to file a complaint with the Director of Human Resources, and/or his designee, and taking any possible preliminary action designed to protect the interests of the accuser, the accused and the County, without same being any admission of wrongdoing or liability by any party.

B. Employees are encouraged, whether directly or through a third party, to notify the alleged harasser, or discriminator, that the behavior in question is, or may be, offensive, unwelcome, inappropriate, or discriminatory, and employees should refuse to participate in such behavior.

C. Employees are encouraged promptly to report to their immediate superior, Department or Office Director, or Director of Human Resources, or County Affirmative Action Officer, any incidents of harassment, or discrimination, as to any.

1:28-3 SEXUAL HARASSMENT

A. Legal Definitions

(*NOTE: All County employees and volunteers are advised that the County, in reviewing sexual harassment claims, will look to existing laws and regulations as well as court decisions defining sexual harassment.)

To provide some guidance, although each case must be decided on its own set of facts and applicable Federal and State regulations and case law at the time, and the below information is just for purposes of illustration, it should not be regarded as being exhaustive of what may constitute improper or harassing conduct. Sexual Harassment has been defined in the Equal Employment Opportunity Commission's Guidelines (29 C.F.R. § 1604.1 et seq.) as:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature 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 employment decisions affecting such individual (i.e. promotion or evaluation); 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 working environment including, but not limited to:
 - (a) Gender or Sexual Orientation, or Gender Identity or Expression, or Civil Union or Domestic Partnership Harassment: Generalized gender-based or sexual orientation based, or gender identity or expression based, or civil union or domestic partnership based remarks or inappropriate behavior relating thereto;
 - (b) Seductive Behavior: Inappropriate, unwanted, offensive physical or verbal sexual advances;
 - (c) Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward;
 - (d) Sexual Coercion: Coercion of sexual activity by threat of punishment; and
 - (e) Sexual Assault: Gross sexual imposition like touching fondling, grabbing or assault.

Authority: Title VII of the Civil Rights Act of 1964 (42 U.S.C.A. § 2000e *et seq.*) as amended; New Jersey Law Against Discrimination (*N.J.S.A. 10:5-1 et seq.*); Civil Service Act (*N.J.S.A. 11A:1-1 et seq.*); *N.J.A.C. 4A:7-1.1 et seq.*

B. Types Of Claims:

1. "QUID PRO QUO" Sexual Harassment ("This for that")

(a) This type while not necessarily sexual in nature, occurs when a supervisor or someone else with authority over the subordinate employee makes a "put out or get out" demand (i.e. "submit to my sexual requests or you will be fired, demoted, intimidated, passed over for promotion, or in some other way made miserable on the job"). (The language of sections (1) and (2), under the legal definitions stated above, is fairly clear and serves to define these cases).

2. "HOSTILE ENVIRONMENT" Sexual Harassment

(a) This type of harassment, while not necessarily sexual in nature, occurs when the conduct (words or deeds) of a supervisor, co-worker, or someone else with whom the employee comes in a contact on the job unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment. This conduct does not need to be directed to a particular person, or any

person at all. It can be between persons of the same sex or opposite sex or sexual orientation.

(b) A sexually hostile work environment is determined on a case by case basis, but it can include, but is not limited to such conduct as: discussing, inquiring about, or mentioning sexual activities, sexual matters, making inappropriate remarks relating to gender, sexual orientation, gender expression or identity, civil union or domestic status, unnecessary touching, commenting on physical attributes, displaying sexually suggestive pictures, engaging in sexually suggestive conduct, using demeaning or inappropriate terms (including, but not limited to, "dear", "honey", "girlie", "cutie", etc.), using unseemly gestures, ostracizing workers of one gender, sexual orientation, or the like, granting job favors to those who participate in consensual sexual activity, using crude or offensive language, or conduct, or other action violating this policy.

(c) The conduct may be inappropriate or unlawful harassment of a sexual nature when:

(1) it is due to an employee's actual or perceived sex, sexual orientation, gender identity or expression, civil union or domestic partnership status, or relation to such person;

(2) the conduct is severe or pervasive so as to make a reasonable person in a protected category believe that the conditions of employment are altered and the working environment is hostile or abusive;

(3) or is otherwise inappropriate or disrespectful.

(d) Court decisions seem to have reduced the requirement that the unlawful conduct be severe or pervasive and suggests that offensive conduct itself may be legally actionable. Conduct may violate County Human Resources Policy and be grounds for discipline or corrective action regardless of whether the conduct actually is or may be unlawful.

3. Third Party Sexual Harassment Claims

(a) In addition, there are "Third Party" Sexual Harassment claim, which have been upheld by the courts, involving a person or persons not directly harassed, but exists in a situation where offensive or inappropriate acts or conduct affect the condition of employment of third persons.

(b) A third party claim based on underlying "Quid Pro Quo" harassment can occur when:

- (1) An employee may be able to claim that he or she was denied job benefits as an "implicit quid pro quo" that had become a general condition of employment,
- (2) An employee may be able to claim that he or she was denied job benefits based on sex-based coercion of the favored employee.

(c) A third party "Hostile Environment" claim based on underlying harassment can occur when:

- (1) An employee may be able to claim that conduct is sufficiently severe or pervasive to alter the conditions or their employment and create a sexually hostile working environment for them.
- (2) County Human Resources Policy does not require inappropriate conduct to be severe or pervasive to be a violation of County Human Resources Policy and a ground for or corrective action or discipline up to termination.

(d) Under the two "Types of Claims" stated above (Quid Pro Quo and Hostile Environment), sexual harassment may take different "FORMS". One specific form is the demand of sexual favors. Other forms of harassment include, but are not limited to:

- (1) Verbal Sexual Harassment: Sexual innuendoes, unwelcome derogatory comments or suggestive slurs of a sexual nature, or about an individual's body, appearance or dress, questions about his or her sexual activity, sexually suggestive jokes, threats and unwelcome persistent requests for dates or to have sex.
- (2) Non-Verbal (Visual) Sexual Harassment: Leering and ogling, whistling, suggestive or insulting sounds, sexual gestures with hands or through body movements, publicly visible or accessible sexually explicit or sexually derogatory objects, pictures, posters or cartoons, sexually explicit or sexually derogatory magazines kept in the office or on a site or work setting away from the office which is regulated by the County;
- (3) Physical Sexual Harassment: Assault, rape, impeding or blocking movement, or any other unwelcome physical contact, including, but not necessarily limited to: kissing, pinching, fondling, hugging, massaging, pushing, brushing, groping, or rubbing against an individual's body.

1:28-4 What Constitutes Other Unlawful or Inappropriate Non-Sexual Harassment or Discrimination

A. Harassment or discrimination can occur in regard to any inappropriate conduct directed against another person because of their actual or perceived Race, Color, Creed, Nationality, Ancestry, Religion, Age, Disability, Sex, Pregnancy, Affectional or Sexual Orientation, Gender Identity or Expression, Marital or Civil Union, or Domestic Partnership Status, Liability for Military Service, Genetic Information including the refusal to submit to genetic testing, or against any person in any other legally protected category (referred to as "protected categories"). Such conduct is prohibited and violates County Human Resources Policy regardless of whether it is unlawful or not.

B. Harassment or discrimination is prohibited in regard to any person in a protected category in all aspects of a person's employment, including, but not limited to, opening positions, posting positions, advertising positions, the interviewing and testing process, filling positions, hiring decisions, opportunities for job training, advancement and promotions, transfers, job benefits, discipline, layoffs, and removal; or occur in the course of a person's business or other dealings with the County.

C. Adverse disparate treatment of an employee, or of a prospective employee/job applicant, or person having business or other dealings with the County, solely or predominantly because of their status in a protected category is inappropriate, may be unlawful and is prohibited.

1:28-5 Notice Under the Americans with Disabilities Act

A. In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the New Jersey Law against Discrimination ("NJLAD"), and any other applicable federal, state, or local laws, the County of Middlesex does not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

B. The County of Middlesex does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA, the NJLAD, as well and any other applicable federal, state, or local laws.

C. The County of Middlesex will make every reasonable attempt to provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can equally participate in the County's programs, services, and activities. This includes providing qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. The County of Middlesex will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policies or procedures.

D. The County of Middlesex will make all reasonable modifications to policies and procedures to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in Middlesex County offices, even where pets are generally prohibited. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the County of Middlesex, should contact the Office or Department sponsoring the event as soon as possible and at least ten (10) business days prior to the date of the activity/event.

E. The ADA does not require the County of Middlesex to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

F. It is a violation of this County Policy and unlawful discrimination to harass or treat a person with a disability, a perceived disability, or a history of a disability, in an adversely disparate manner solely or predominantly because of their disability, perceived disability or history of a disability, or perceived association with a person with a disability. Such conduct may result in discipline up to and including termination and may subject a violator of this Policy to personal liability, attorneys' fees and court costs.

G. When an employee, or prospective employee in the case of a job applicant, or person having business or other dealings with the County, seeks a reasonable accommodation due to a disability, they should submit a request for a reasonable accommodation in writing to their immediate supervisor, or the Department or Office Director, or the Director of Human Resources.

H. Such a request shall be confidential and shall be prominently and conspicuously so marked by the employee and by the persons who process the request.

1. Such requests should promptly be submitted in writing by the Department or Office Director, Head or their designee, to the Director of Human Resources when they are brought to the attention of a Department or Office Director, Head, or their designee.

2. Such requests should be promptly reviewed by the County's HR Director, or his designee; with the employee, prospective employee, and other County Personnel as may be appropriate to review the basis for the request and nature of accommodation.

3. The Director of Human Resources or his designee, shall promptly advise the employee, or prospective employee, of the response to the request within two weeks from receipt of the request, unless additional time is reasonably needed to review and respond to the matter.

I. Requirements For Contents Of ADA/NJLAD Reasonable Accommodation Requests

1. A disability related reasonable accommodation request should be filed in writing, or verbally, by an employee, their health care provider, attorney, or other representative, and submitted confidentially to their Department or Office Director, or the Director of Human Resources or his designee. It shall contain:
 - (a) the name and address of the person seeking the accommodation;
 - (b) the detailed reason or basis for the request, including substantiation from a health care provider, if a condition is not obvious;
 - (c) the nature and details of the requested accommodation being sought;
 - (d) whether the condition for which the request is sought is permanent or temporary; and
 - (e) if temporary, its anticipated duration.
2. An accommodation request should be filed as soon as possible and within five (5) business days after an employee becomes aware of the perceived need for an accommodation. (Processing of matters which occurred before this procedure was in place will be considered on a case-by-case basis.)
3. An employee conference and inquiry, or investigation, as may be appropriate, may follow the submission of a request. The inquiry may be conducted by the County's Director of Human Resources or Division Head of Labor Relations & Compliance or his designee.
4. An informal but thorough inquiry affording interested persons and their representatives, if any, an opportunity to submit evidence relevant to a request may be conducted.
5. A written determination regarding a request and a description of the resolution, if any, shall be issued by the Director of Human Resources or Division Head of Labor Relations & Compliance, or his designee, and a copy forwarded to the requesting party within thirty (30) days from conclusion of an investigation and/or inquiry.
6. The Director of Human Resources shall maintain the files and records of the County of Middlesex relating to requests.

7. In instances where a requestor is dissatisfied with the resolution, a request for reconsideration may be made within ten (10) calendar days from when a response is given or due, to the Director of Human Resources.

8. The right of a person to a prompt and equitable resolution of a request filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA or NJLAD complaint with the responsible federal or state department or agency. Use of this procedure is not a prerequisite to the pursuit of other remedies.

9. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the County of Middlesex complied with the ADA, NJLAD, and implementing regulations.

1:28-6 Procedures for Filing Complaints for Discrimination or Harassment

A. Any employee or person having business or other dealings with the County, who has reason to believe that he/she has been subjected to harassment, discrimination, or who witnesses acts of harassment or discrimination committed upon others, is urged to report the incident to, or directly file complaint with the County Affirmative Action Officer.

B. The employee or person shall have thirty (30) working days from the date of the last action complained of to initiate the Complaint.

C. Receipt of information, whether formal or informal, may constitute a complaint and may be investigated to ensure that the rights of any person, or work environment, is protected from violation of County policy.

D. Complaints that are determined to be outside the scope of this Policy may not be investigated or acted upon by the County Affirmative Action Office, or if investigated may be dismissed, or denied, although such matters may be referred to a Department or Office Director for their administrative handling and disposition of a matter.

E. There are various ways in which employees and other persons may file complaints either concurrently or sequentially. Affected individuals may contact the County Affirmative Action Officer to discuss the filing methods. County time, if used to do so, should be done by the employee and their chain of command in a confidential manner by all persons involved at all times.

1. Discuss with an immediate supervisor and indicate that you want corrective action to be taken. However, if you are uncomfortable with this

person for whatever reason, or if the complaint involves discrimination/harassment by the supervisor, you may bypass this step and follow another option.

2. If the employee and/or the Union or affected person, is not satisfied with the results of the discussion with the immediate supervisor, as set forth above, or if Step 1 is bypassed, the employee and/or the Union or affected person, may contact the the County Affirmative Action Officer and/or his/her designee, by written complaint. (If a complaint is made orally, the person receiving the complaint shall reduce the same to a writing which shall, if it is deemed accurate, be signed by the complainant).

F. Any complaint, whether written or oral, shall include the following information:

1. Date(s) and times of all alleged occurrence(s) complained of;
2. Identities of all parties involved;
3. Location(s) of all incident(s);
4. Specific acts complained of; and
5. Names of all witnesses, if any, and all person with relevant knowledge or information, and a summary of same.

G. In every case, all complaints shall be taken seriously and investigated as discreetly, impartially, thoroughly and promptly as possible. Investigation will vary from case to case, depending on a variety of circumstances; but the internal investigation shall aim to protect the reputations of the parties.

H. Whenever an employee goes to the County's Affirmative Action Office to lodge a complaint and does not want to use their regular break time, or an employee goes there to be interviewed, or has to leave a post or assignment for this, and others must be notified of this for coverage purposes, all such notifications and related communications shall be handled by everyone so involved discreetly and confidentially on a need to know basis. Neither the place, nor the location to which the employee is going, nor the reason if the employee discloses it, should be disclosed to anyone other than their Department or Office Director or Head, or the next highest person in their Department or Office, or their designee. If any explanation is needed to be given to anyone else in a chain of command, it should be that the employee is on an authorized break or is attending to a matter for the Department or Office Director or Head, or their designee. The time taken for this shall not count against an employee's regular break time or other time.

I. The union shall have the right to represent any employee requesting representation, but individual employees shall also have the right to elect to represent themselves.

J. Complaints once made, whether formally or informally, must be investigated, and the complaining party shall cooperate fully in the investigation of a claim, unless they withdraw their complaint. All withdrawals shall be in writing and signed by a complainant. The failure or refusal of a complainant to cooperate fully in an investigation may result in the dismissal of a claim.

1:28-6A **PROCESS**

AFFIRMATIVE ACTION OFFICER INVESTIGATION

- A. The Affirmative Action (“AA”) Officer shall, upon receipt of a Complaint, conduct one or more interviews with the Complainant, as the Affirmative Action Officer deems necessary in order to investigate and evaluate fully all claims in the matter. The Complainant shall be advised that all information contained in the Complaint shall remain confidential, but will be used for investigation purposes of witnesses being questioned in the matter, which may cause them to become aware of the matter.
- B. All such persons will be instructed that the interview, investigation and disposition are confidential in so far as the law permits. Such information may have to be produced in a court or administrative proceeding or arbitration. The person(s) charged shall confidentially be provided with notice of the complaint by hand delivery to them from their Department or Office Director, or designee, provided that they are in at work and not on leave or otherwise absent, in which case they shall be served by certified mail.
- C. Neither the accuser, the accused, nor any witnesses shall be permitted to have their counsel interfere in the investigation. Their counsel may attend their interview (if they have counsel), but may not interfere or intervene in the interview, to assure spontaneity of responses and freedom from outside influence that can diminish the truth finding process of the investigation.
- D. Interviews may be done informally or may be recorded or taken under oath at the exclusive discretion of the Affirmative Action Officer, or representative from the Office of County Counsel.
- E. Any failure or refusals of a complainant, or respondent, to cooperate fully with the investigation may result in an adverse inference being drawn

against the non-cooperating party, or a dismissal of the charges and no action being taken on the matter against the accused.

- F. Any failure by the accused to cooperate fully with the investigation may be deemed an admission of the charges and may result in discipline up to and including termination.
- G. Full cooperation of the complainant, the accused and all employees is required and includes, but is not limited to, giving true, complete and fully responsible oral and written statements to the Affirmative Action Officer, Director of Human Resources, Division Head of Labor Relations & Compliance or his/her designee, or representative from the Office of County Counsel.
- H. The failure of any witness; who has relevant knowledge or information; to fully cooperate with the investigation may result in the imposition of appropriate disciplinary action.
- I. The complainant, the accused and others, shall be available for multiple interviews on an as needed basis, and shall produce complete and true copies of all relevant documents. The failure or refusal to do so also may result in an adverse inference being drawn from such conduct and affect the disposition of the matter against the non-cooperating party or witness.
- J. After initially interviewing the Complaint, the Affirmative Action Officer shall conduct a confidential investigation on the allegations contained in the Complaint. The Affirmative Action Officer, with assistance from the Office of County Counsel, if requested, shall have authority to interview all appropriate persons having knowledge or information relating to any of the allegation(s). The Affirmative Action Officer may request the assistance of the County Counsel anytime during the investigation through submission of an investigative report and any recommendations that the matter might involve.
- K. The investigation shall be completed as promptly as reasonably possible within a period of thirty (30) working days from the receipt of the Complaint, but in no event shall exceed forty-five (45) working days, unless the parties consent to an extension, or unless compelling circumstances are present that require more time, in which case the period may be extended without consent.
- L. A confidential written report shall be prepared and submitted by the County's Affirmative Action Officer to the County Counsel, the County Commissioner in charge of the Office of Human Resources, the Director of Human Resources and Division Head of Labor Relations & Compliance. Nothing

herein shall preclude the issuance of a Preliminary Notice of Disciplinary Action by the employee's Department or Office Director, which may follow issuance of the AA report.

- M. If a disciplinary action notice of minor or major discipline issues and is disputed by the charged employee, he/she may request a hearing on a Preliminary Notice of Major Discipline, or for minor discipline if required by a labor contract that applies to the employee, which hearing should take place within ten (10) working days after receipt of the Notice, unless mutually agreed to for another date.
- N. At a disciplinary hearing, the parties shall be entitled to present their version of what occurred, and may call willing witnesses to the events in issue.
- O. It shall be within the discretion of the hearing officer as to who may be called to testify, persons present when testimony is given (including whether either party is present), and the scope and nature of testimony elicited from the parties and witnesses and evidence taken. A union representative may attend the hearing for each party.
- P. The hearing officer may pose questions to the parties and witnesses, although the hearing officer may, in his or her discretion, allow either party a chance to question the other party or to question witnesses.
- Q. County Counsel's Office may have a representative present to prosecute.
- R. Either party, or any witness, may have an attorney present, who may question witnesses.
- S. The final determination by the Hearing Officer shall be made in a written Decision report within twenty (20) working days after the completion of the hearing and shall be provided to the complainant, respondent, Department or Office Director or Head, Director of Human Resources, Division Head of Labor Relations & Compliance, County Counsel, and County Administrator.
- T. A Final Notice of Disciplinary Action, or Notice of Minor Disciplinary Action, shall issue within ten (10) business days thereafter.
- U. The Decision of the Hearing Officer shall be conveyed confidentially, in writing, and all who receive it shall treat such information confidentially, except as shall be required to support sustained charges at the departmental level, and beyond, in any further administrative or judicial proceeding.

- V. Upon finding that harassment or discrimination has occurred, the Hearing Officer shall recommend in their Decision report to the Department or Office Director, Administrator, or Head, action to be taken, and if major discipline is recommended it shall promptly be set forth in a Final Notice of Disciplinary Action (31-B or 31-C).
- W. Any disciplinary action taken against an employee shall be in accordance with any relevant collective bargaining agreement and/or the rules and regulations of the New Jersey Civil Service Commission.
- X. Upon completion of the investigation, the entire file shall be kept by the Office of Human Resources in a location separate from all other personnel records and/or files.
- Y. A complainant may pursue further action at his/her own expense. This may include:
 - 1. Filing a formal complaint in Court, or
 - 2. Filing a formal complaint with any of the following agencies:
 - (a) Division of EEO/AA
 - (b) N.J. Department of Personnel
 - (c) Division of Civil Rights
 - (d) N.J. Department of Law and Public Safety
 - (e) Regional Civil Rights Director
 - (f) Office for Civil Rights, Region II
 - (g) U.S. Department of Education
 - (h) U.S. Equal Employment Opportunity Commission (EEOC)
- Z. The County's files in the matter, including the complaint, investigation reports and recommendation of the Affirmative Action Officer and the Hearing Officer, may become evidence in such matter, or other matter, and may not remain confidential. This may particularly occur if the County, or its officers or agents, are a party to such a claim and such materials are required to be produced as part of a defense of the County, or any of its officers, employees or agents.
- AA. If, due to a conflict, the Director of Human Resources or the Division Head of Labor Relations & Compliance is unable to perform any function described in this Policy, such function shall be performed by the County Administrator or his/her designee.

A. To the fullest extent possible, from the very inception of a complaint or report of harassment or discrimination being made to an appropriate supervisory person or person assigned to handle such matters, all related proceedings shall be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser, all witnesses, and any other persons involved.

B. All parties involved in the proceedings shall be advised to maintain strict confidentiality, from the initial complaint to the final County decision, to safeguard the privacy and reputation of all involved.

C. The parties and witnesses may be requested by the County to sign a "Confidentiality Agreement" at the beginning, or during, the course of the proceedings. However, during the investigation, at a Departmental Hearing, or the Office of Administrative Law, a hearing officer, or an Administrative Law Judge, court or arbitrator, production of information, including confidential statements, may be required.

D. When circumstances require the County to disclose its files or information in such matters, such materials may be disclosed in such proceeding or relevant to it, when necessary to the County's prosecution of charges, or for the defense of the County, its officers, agents and employees.

E. Any information provided by, or any statements made by, any supervisory or management personnel, or any other County officer, employee or agent, who is involved in the investigation or disposition of a complaint, to any person (e.g., the complainant, the subject of the complaint, or any witness) in the course of dealing with the complaint, through and including the disposition of a complaint, is confidential regardless of whether it has been expressly so stated to be confidential at the time it is made or provided. It must be treated as being confidential by all persons to whom the statements are made, or the information has been provided, regardless of whether at that time that person has signed any confidentiality agreement. This means that any and all such statements or information are not to be disclosed to other persons who either have not been expressly authorized to receive it by the supervisor or management person making the confidential statement or providing the confidential information, or as may be required in the course of an investigation of the matter by the County or its counsel.

F. Any uncertainty about the applicability of this policy of any situation, or a request for permission to disclose, shall be directed to the County Director of Human Resources or County Counsel and describe in detail the basis for the inquiry or request and should be conspicuously marked "Confidential".

1:28-8 Retaliation Is A Violation Of This Policy

A. Any job-related adverse action against an employee because of the filing of a good-faith complaint, or the participation in the investigation of a complaint, is a violation of this Policy.

B. Threats, other forms of intimidation, and/or retaliation, by one or more employees against another employee, due to their issuance of a complaint, or participation

in an investigation or disciplinary proceeding against another employee, shall be cause for disciplinary action, up to and including termination.

C. A complaint of retaliation shall be reported to the County's Affirmative Action Office or the Director of Human Resources and/or designee, who shall investigate and process the complaint in the same manner as an unlawful harassment or discrimination complaint.

1:28-9 **Protection of all Parties**

A. All complaints that reach the County's Affirmative Action Office will be investigated and subject to corrective action or discipline when deemed appropriate by the Director of Human Resources and Department or Office Director or Head of the charged employee.

B. A finding of no probable cause as a result of an investigation does not necessarily establish that an accusation is false. However, this Policy shall not be used to intentionally bring false, frivolous or malicious charges against any employee, and anyone doing so may be subject to discipline, up to and including, termination.

1:28-10 **Remedial Action**

Remedial action for employee/volunteers found in violation of this Policy may be progressive in nature and include, but is not limited to the following, and depending on the circumstances may not be progressive:

A. *Unclassified Employee*

1. An apology and unclassified direction to cease the offensive behavior;
2. Referral to counseling;
3. Oral or written reprimand;
4. Reassignment or change of work schedule to minimize contact between the parties;
5. Demotion;
6. Suspension (with or without pay);
7. Termination;
8. Referral to criminal justice system for possible violation; or any other remedy the County of Middlesex determines to be appropriate.

B. *Classified Employee*

1. All of the above is applicable along with any other disciplinary action allowable according to NJ Civil Service rules and regulation and/or existing collective bargaining unit agreements.

2. All remedies will be implemented in a timely manner as circumstances permit. A summary of the complaint and the action taken will be furnished to the parties by the Director of Human Resources or his/her designee. Where improper conduct has been found to have occurred, a summary will be placed in the employee's Human Resources file. The County shall keep a record of all proceedings in a separate, confidential file.

1:28-11 Documentation

It will be the responsibility of the Head of Labor Relations & Compliance and/or his designee to receive and collect data regarding complaints filed under this Policy. It shall be maintained under lock and key separate from all other employee Human Resources files.

1:28-12 Applicability of this Policy to Certain Non-Members of the County

Non-employees of the County, including, but not limited to, those interacting with County employees as vendors of goods and services, independent contractors, substitute or temporary workers of fill-ins, subject to State and/or Federal laws shall also be subject to each and every term of this Policy to the fullest extent possible, should it be alleged by a complainant that they committed an act or conducted themselves in such a way as to commit an offense in the course of providing County service or County sponsored activity.

1:28-13 Training

A. All management and supervisory employees of the County, shall undergo periodic training or reviews, in one or more sessions on unlawful harassment and unlawful discrimination in the workplace, with a person trained to lead or implement such training.

B. They also shall receive training or updated materials on an on-going basis, at least once every year in order to provide or discuss any significant changes, or developments, in the law, and/or to operate as a refresher on the subject.

C. All other employees of the County shall also undergo training, led by a person trained to lead such sessions, to raise their awareness and understanding of the impermissible behavior, the consequences of such behavior, their responsibility to confidentially report such behavior to their Department or Office Director, or to the County Affirmative Action Officer, and to reduce confusion about unacceptable or inappropriate actions or conduct. These employees shall also be required to undergo this training once a year with regular up-dates thereafter.

1:28-14 Distribution

The distribution of the Policy shall consist of:

- A. Posting this Policy, together with any necessary signage, in a prominent location within each of the County's buildings, and in each department, division or Office located outside a County-owned building, and in addition to any other applicable County Policy in the County's Human Resource Policy found on the Employee Self Service (commonly referred to as "ESS") website;
- B. Distribution of this Policy to all current County employees and volunteers;
- C. Distribution to all persons hired as County employees or volunteers subsequent to the effective date of this Policy;
- D. Issue an annual memorandum to update all County employees concerning the Policy of this County;
- E. Discuss the Policy during any new employee orientation meetings, seminars, or training sessions held subsequent to the effective date of this Policy.
- F. The Director of Human Resources shall ensure that a copy of this Policy is circulated to all of the above and that all employees/volunteers are aware of any designated Affirmative Action Officer.

1:28-15 False Accusations

A. Since a charge of harassment or discrimination is a serious action, false accusations, reports and statements may be treated as a disciplinary offense and may result in a level of punishment appropriate for a person engaging in such behavior, and may result in discipline up to and including termination.

B. A person who knowingly and/or recklessly and/or maliciously fails to give a complete and fully truthful or responsive statement in a complaint or response in an investigation of a complaint, or withholds disclosing relevant information in a complaint or investigation, or encourages others to do so, may be subject to discipline up to and including termination.

1:28-16 Rights Under the Law

The County of Middlesex is committed to maintaining a heightened awareness of the personal dignity of others by fostering a work environment free from harassment and improper discrimination, whether unlawful or not.

1:28-17 Exhaustion of Administrative Remedies

If an employee fails to follow the County's policies and procedures for the filing and handling of claims as set forth herein, and the employee or their representative, heir or spouse thereafter institute an administrative or legal action against the County or any officer, agent or employee thereof, the County and its officers and its employees shall have the right to assert as the law permits, the employee's failure to exhaust their administrative remedies as a defense to the action.

1:29 EMPLOYEE RECOGNITION PROGRAM

The Board of County Commissioners wish to acknowledge through an "Employee Recognition Program" certain employees for their loyalty and continuous service to the County of Middlesex.

- A. Employees who have completed five (5) years of employment with Middlesex County are eligible for an award.
- B. Service shall include employment in the career or unclassified service, in either a regular or provision capacity.
- C. Length of service awards may consist of letter of commendation, certificates, citations, plaques, medals, pins, gift items, or such other awards as the Board of County Commissioners shall determine.
- D. Presentation ceremonies shall be conducted at least on a yearly basis.

It shall be the responsibility of the County Office of Human Resources to determine the employees eligible for length of service awards.

1:30 MIDDLESEX COUNTY EMERGENCY BUILDING EVACUATION PLAN

1:30-1 Purpose

The purpose of the Emergency Building Evacuation Plan is to establish a uniform policy for the evacuation of the Middlesex County Administration Building in the event an emergency requires such evacuation. THIS PLAN APPLIES TO THE COUNTY ADMINISTRATION BUILDING ONLY. An emergency evacuation plan for the Family Court and Superior Court has been developed by the Assignment Judge and the Public Safety Building's plan has been developed by the Prosecutor. In the event of an emergency, the County Administrator will notify the Trial Court Administrator of the situation. Likewise, the Trial Court Administrator will notify the County Administrator of an emergency.

The Middlesex County Emergency Evacuation Protocol for the Administration Building [Revised September 2016] is available for reference in its entirety on the County Intranet.

1:30-2 Notifications

A. BOMB THREATS

1. In the event that a warning is received or potential threat is identified as to the presence of a bomb or other explosive device, the individual either receiving the warning or identifying the potential threat, shall notify the New Brunswick Police Department (NBPD) by calling 9-911. The NBPD shall investigate the potential threat and consult with the Middlesex County Sheriff's Office to determine if evacuation of the Building is required. The New Brunswick Police Department shall also advise the County Administrator, or in his absence the Director of Human Resources or Director of Public Property, of its on-going investigations. The individual so notified shall so advise the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal.

2. Upon determining that an evacuation is warranted, the Sheriff's Office shall notify the County Administrator, or in his absence or unavailability, either the Director of Human Resources or Director of Public Property, that evacuation is required. The individual so notified shall advise the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal that the Building is being evacuated. At that time the individual shall then activate the fire alarm.

3. All personnel and the public must evacuate the Building during a fire alarm and report to their designated areas.

4. If, after the evaluating the potential threat it is determined that evacuation is not warranted, the New Brunswick Police Department shall notify the County Administrator, or in his absence, the Director of Human Resources or Director of Public Property, of this fact. The individual so notified shall advise the County Commissioner Director as to this determination.

5. The procedures to be followed in evacuating the Building shall be those set forth in Section 1:30-3.

6. The County shall supply the New Brunswick Police Department and Middlesex County Sheriff's Office with a list of the names, telephone numbers, and/or cell phone numbers for those individuals who are to receive notification hereunder.

B. FIRE EMERGENCY

1. All Personnel and public must evacuate the Building during any fire alarm and report to their designated areas.

2. In the event of a Fire, the New Brunswick Fire Director or his designee shall be in complete command of the operation.

3. The procedures to be followed in the evacuation of the Building shall be those as set forth in Section 1:30-3.

C. OTHER EMERGENCIES (I.E. GAS ODORS)

1. In the event that any other situation, which is neither a bomb threat nor fire emergency, requires evacuation of the Building, the decision to order the evacuation shall rest with the County Administrator, in consultation with the appropriate authorities. In the absence of the County Administrator, the decision to evacuate the Building shall rest with either the Director of Human Resources or Director of Public Property.

2. Upon determining that an evacuation is warranted, the County Administrator, or in his absence the Director of Human Resources or Director of Public Property, shall activate the fire alarm. The individual so notified shall advise the County Commissioner Director and the front desk that the Building is to be evacuated.

3. Upon activation of the fire alarm, the County Administrator, or in his absence the Director of Human Resources or Director of Public Property, shall notify the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal, that the Building is being evacuated.

4. All Personnel and public must evacuate the Building during any fire alarm, and report to their designated areas.

5. The procedures to be followed in the evacuation of the Building shall be those as set forth in Section 1:30-3.

1:30-3 Evacuation Procedures

Except where indicated, the procedures set forth in this Section shall be followed in ALL emergency situations.

A. A copy of this Plan, a list of the disabled employees and an elevator key shall always be kept in a locked cabinet at the front desk. Keating Development Corporation will meet the County Administrator, or in his absence the Director of Human Resources or Director of Public Property, and if appropriate, the New Brunswick Fire Officer at the front desk in the event of an emergency.

B. After reporting in to the New Brunswick Fire Officer at the front desk, the County Administrator, or in his absence the Director of Human Resources or Director of Public

Property or his designee, will then proceed to the check point area located in the lobby of the Public Safety Building (25 Kirkpatrick Street), and shall be responsible for providing support services to the New Brunswick Fire Department and Keating Development Corporation.

C. Captain Responsibilities

1. One person in each department shall be designated as the Department Captain. The responsibility of the Department Captain shall include:
 - (a) Supervision of the evacuation of that department;
 - (b) Acting as liaison between his or her department and the check point;
 - (c) Maintaining a daily list of employees who are unable to use the stairs;
 - (d) Checking restroom facilities before leaving their floor;
 - (e) Be aware of any suspicious packages and/or odors around you.
 - (f) After the complete evacuation of his or her department, including visitors, report to the check point and inform the Director of Public Property and initial the Fire Marshal checklist located at the front desk, that his or her department "is all clear";
 - (g) Indicate if there are any disabled persons waiting in the elevator area.
 - (h) Report to the designated evacuation area (as set forth on the attached map) to ensure that all employees have, in fact, been evacuated.
2. There shall be an alternate Department Captain in the event that the Department Captain is unavailable or unable to perform his or her duties. The Alternate shall have all the duties or responsibilities set forth above.
3. All Captains, Co-Captains and Alternates will be issued a lanyard and location card specific to one's area of assignment. Upon notification of building evacuation, you will provide this lanyard and identification card to security upon exiting the building. The receipt of this lanyard by Security will ensure your area of assignment is clear. Upon re-entering the building, you will retrieve your lanyard from Security.

ALL DEPARTMENT CAPTAINS AND ALTERNATE CAPTAINS SHALL WEAR THEIR REFLECTIVE VEST AND LANYARD WITH THEIR RESPECTIVE TITLE DURING THE EVACUATION.

D. Employees and General Public

1. When an evacuation of the Administration Building is required, employees and the general public **must** leave the building. **DO NOT USE THE ELEVATORS.**

Everyone shall **walk** to the nearest exit and use the stairs to the ground floor and follow the exit signs out of the Building. All visitors shall stay with the Department they are visiting.

2. Persons with Disabilities

- (a) The Office of Human Resources shall be responsible for maintaining a current list of names and work locations of all disabled employees. This list shall be divided by department and disabled employees shall be designated either:
 - i. "A" non-ambulatory or,
 - ii. "B" ambulatory.

- (b) The Director of Human Resources shall transmit said information to the New Brunswick Police Department, New Brunswick Fire Department, the Department of Public Property, Keating Development Corporation, and to the Department Captains. The Office of Human Resources, as needed, shall update this list. A complete up-to-date list shall be kept in the Lobby at the front desk. Whenever either the New Brunswick Police Department or New Brunswick Fire Department responds to an emergency, the security guard at the front desk in the Lobby shall, to the extent he is aware, advise those entities of the names and locations of all non-ambulatory persons.

- (c) "A" List non-ambulatory
 - i. All non-ambulatory personnel shall be assigned an assistant and a back-up by the Department Head to aid in the evacuation.
 - ii. In the event of a fire alarm, all non-ambulatory personnel and their assistants should immediately report to the elevator area.

- (d) All "B" list ambulatory personnel shall be assisted out of the building via the stairs by a friend or co-worker previously designated by the Department Head.

- (e) When an evacuation of the Administration Building is required due to a fire emergency or drill, the New Brunswick Fire Department shall evacuate any non-ambulatory individual.

- (f) When an evacuation of the Building is required due to a bomb threat, Public Property, with the assistance of Keating Development Corporation, will evacuate all non-ambulatory persons.

E. After Hours and Holidays

1. When an evacuation of the Building is required at times when it is closed to the general public, all employees **must** leave the Building, following the same procedures set forth herein. When an evacuation is required, either the New Brunswick Police Department, County Sheriff's Office or New Brunswick Fire Director, as appropriate, shall so notify the County Administrator, or in his absence the Director of Human Resources or Director of Public Property. The individual so notified shall advise the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal of the evacuation.
2. The New Brunswick Police Department, County Sheriff's Office or New Brunswick Fire Director shall file a report with the County Administrator describing in detail the incident which led to the evacuation.
3. The County shall supply the New Brunswick Police Department, the County Sheriff's Office and the New Brunswick Fire Director with a list of the names, telephone numbers, and cell phone number for those individuals who are to receive notification hereunder.

F. Designated Evacuation Areas

1. All employees who have evacuated the Building shall report to the designated areas as indicated by the Department Captain. A map illustrating the designated areas is attached. All employees and visitors **MUST** stay in their designated areas until further notice.

1:30-4 Re-Entry Into Administration Building

A. BOMB THREATS

1. When the County Sheriff's Office determines that the bomb threat is over and it is safe to re-enter the Building, they shall notify the County Administrator, or in his absence the Director of Human Resources or Director of Public Property. The individual

so notified shall advise the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal that the emergency is over. Proceed to step D.

B. FIRE EMERGENCIES

1. When the New Brunswick Fire Director determines that the fire emergency is over and it is safe to re-enter the Building, he shall notify the County Administrator, or in his absence the Director of Human Resources or Director of Public Property. The individual so notified shall advise the County Commissioner Director, Prosecutor and the Middlesex County Fire Marshal that the emergency is over. Proceed to step D.

C. OTHER EMERGENCIES (I.E. GAS ODORS)

1. When the County Administrator or in his absence, the Director of Human Resources or Director of Public Property, as appropriate, after consultation with the appropriate authorities, determines that it is safe to re-enter the Building, the individual so notified shall advise the County Commissioner Director, Prosecutor, and the Middlesex County Fire Marshal that the emergency is over. Proceed to step D.

D. FOR ALL ABOVE EMERGENCIES ADHERE TO THE FOLLOWING PROCEDURES:

1. When the County Administrator, the Director of Human Resources or Director of Public Property, as appropriate, after consultation with the appropriate authorities determines that it is safe to re-enter the building, they shall then notify Keating Development Corporation, which shall cause all mechanical and electrical systems, including elevators, to return to normal functional status.

2. The County Administrator, or in his absence the Director of Human Resources or Director of Public Property, as appropriate, shall notify the Department Captains that it is safe to re-enter the Building and that all employees should return to their work sites. A Captain from a designated Department will be responsible to notify a designated Department Captain in the second group that they have completed re-entry back into the Administration Building. The Department Captains shall lead employees in an orderly fashion back to their respective Departments. The following is the order in which employees must re-enter the Administration Building.

3. Departments whose designated areas are located in the parking lot across from the law enforcement building on Kirkpatrick Street will re-enter first, and all Departments whose designated areas are located in the back of the Building on Paterson Street will re-enter second. The guard at the front desk will instruct all visitors to proceed to the cafeteria until all employees return back to their respective Departments. Visitors that already have a pass will not need to obtain another one. If Visitors did not have a

pass before the evacuation, they will then proceed to go to the front desk to obtain the necessary Building pass.

1:31 Earthquake Evacuation Procedures

The steps outlined below are to be followed by all staff in the event the County Administration Building must be evacuated upon evidence of an earthquake. Earthquakes happen with no warning; therefore, action must be taken at the first indication of ground shaking. Even in the most severe earthquakes, buildings rarely collapse completely. Injury or even death are most often caused by the shattering and falling of non-structural elements such as window glass, ceiling plaster, lighting fixtures, chimneys, roof tiles, and signs.

There will be no time to think of what to do.

DUCK - COVER - HOLD

A. In the event that an earthquake is felt, the following procedure should be followed:

1. Stay inside until shaking stops. (Most injuries occur when people are hit by falling debris and objects when exiting from a building.
2. Take cover under a sturdy desk, table or bench or against an inside wall and hold on. If there isn't a table or desk near you, cover your face and head with your arms and crouch in an inside corner of the building.
3. Stay away from glass, windows, outside doors and walls. Watch for falling lighting fixtures or furniture.
4. Be aware that the electricity may go out or the sprinkler system or fire alarm may turn on.
5. DO NOT USE ELEVATORS.
6. Count aloud for the duration of an earthquake. After the shaking stops, start counting again and count aloud to sixty (60). Sixty seconds after the shaking has stopped, employees should be instructed to check carefully for injuries and dangerous objects, such as broken glass, before moving and standing up. Employees should be instructed to be silent during this time.
7. If a secondary earthquake or "aftershock" occurs, employees should "**Squat and Cover**" (Place head close to knees, clasp hands behind neck,

cover side of head with arms (if cover is available use it or place back against an interior wall). The **“Duck and Cover”** procedure is not advised if the ground may be littered with debris from the initial shock.

The decision to order the evacuation shall rest with the County Administrator, in consultation with the appropriate authorities. In the absence of the County Administrator, the decision to evacuate the building shall rest with the Director of Human Resources. If evacuation is needed, follow 1:30-3 evacuation procedures. Captains will lead the employees, where possible, out of the building using the recommended route.

Once outside, stay outside, move away from buildings, streetlights and overhead utility wires.

NOTE: There shall be no open flames from lighters or matches, no smoking. There could be the possibility of gas leaks.

Aftershocks are secondary tremors. Occasionally they do additional damage, mostly from already weakened structures and unstable objects.

If a secondary earthquake or “aftershock” occurs, employees should **“Squat and Cover”** (Place head close to knees, clasp hands behind neck, cover side of head with arms (if cover is available use it or place back against an interior wall). The **“Duck and Cover”** procedure is not advised as the ground may be littered with debris from the initial shock.

Additional Information

Earthquakes are a particular concern for office buildings with their large concentrations of people in confined spaces. The first indication of an earthquake may be a sudden violent jolt, shaking or moving of objects.

Earthquakes actually occur daily but are of such small magnitude that most are never felt. The magnitude of earthquakes is measured relative to Richter scale. Charles Richter developed the scale on which an increase of one point represents an earthquake of ten times the magnitude of the previous scale rating. Listed below are the relative severities of earthquakes.

<u>RICHTER SCALE</u>	<u>CLASS</u>	<u>INDICATION/RESULTS</u>
2	Feeble	Notice only by sensitive people
3	Slight	Resembling vibrations caused by heavy traffic
4	Moderate	Rocking of free standing objects
5	Rather Strong	Sleepers awakened, widely felt

6	Very Strong	Damage from overturning and falling objects; cracking of walls
7	Destructive	Ground begins to crack, houses to collapse & pipes to break
8	Disastrous	Ground badly cracked, landslides, many buildings destroyed, bridges, railways destroyed, water, gas, electricity, telephones, etc. out of action
9	Catastrophic	Total destruction, objects thrown into air, much heaving, shaking and distortion of surface (10,000 times the power of the A-bomb dropped on Hiroshima)

1:32 TRACKING EMPLOYEE LEAVE TIME

Until such time as the following information becomes available electronically, the timekeepers in each County Department and Office shall provide to the County Director of Human Resources on the payday for each pay period, a compilation of the amount of time each employee in the department has accumulated, earned, and used as of that date for the calendar year, pursuant to the Certification of Time Worked Report. This form shall be certified by each Department Head, or his or her designee, as to its accuracy and completeness, before being submitted to the County Director of Human Resources, and shall track each employee’s sick time, vacation time, compensatory time, work injury leave time, bereavement leave time, military leave time, maternity leave time, unpaid medical leave time, FMLA leave time, FLA time, and other unpaid leave time taken by the employee.

1:33 PORTABLE SPACE HEATERS AND SIMILAR DEVICES

Any Employee that is using a portable heater (electric or battery operated) must have permission from their supervisor before use of it. The supervisor must go over this policy with employee before the use the heater can occur. Any Employee who uses a portable space heater or similar devices shall abide by the 2015 International Fire Code (“IFC”) as adopted by N.J.A.C. 5:70-3.1 and modified by N.J.A.C. 5:70-3.2.

- A. Required Specifications of the Heater:
 - 1. Only portable, electric space heaters in which the heating element does not exceed a temperature of 212°F (100°C) shall be permitted, pursuant to IFC § 605.10;
 - 2. Only *listed* and *labeled* portable, electric space heaters shall be used pursuant to IFC § 605.10.1.
- B. The Employee shall:
 - 1. follow all instructions provided in the operating manual;

2. never leave the space heater unattended;
3. turn off and unplug whenever leaving the room, and at the end of each workday.

C. The space heater shall be:

1. kept at least three (3) feet away from anything that can burn, including papers, clothing and rugs as per IFC § 605.10.4;
2. located out of high traffic areas and doorways where they may pose a tripping hazard;
3. plugged directly into an approved wall outlet. as per IFC § 605.10.2, and not plugged into extension cords, per IFC § 605.10.3.