DISCLAIMER

The employment relationship that exists between the City of Hoboken (the "City") and its employees is employment-at-will. This means that employment with the City may be terminated at any time, for any reason, with or without cause or notice by the employee or the City, subject only to civil service law and/or a collective negotiations agreement then in effect. This handbook does not contain any promises of any kind. Neither this handbook nor any other guidelines, policies, or practices create an employment contract. The City has the right, with or without notice, in an individual case or generally, to change any of its guidelines, policies, or practices, working conditions, or wages/benefits at any time, without having to consult anyone and without anyone's agreement. The contents of this handbook are guidelines only and supersede any prior manual or handbook.

No one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or agreement is in writing and is signed by the Business Administrator and the Mayor and approved by the City Council.

This notice applies to all employees regardless of date of hire.
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INTRODUCTION

The City of Hoboken (the “City”) plays an important part in the lives of the citizens it serves. The public expects that its business will be conducted with the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

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

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflicts of interest and have an obligation to conduct themselves consistent with these policies. The City has a “no tolerance” policy towards workplace wrongdoing.

This Employee Handbook (the “Handbook”) adopted by the City discusses these issues and many other City personnel policies and IS NOT A CONTRACT. You are urged to read the Handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any City personnel policy, contact your supervisor, or, if you prefer, your Department Director or the Personnel Officer.

Neither this Handbook nor any other City document confers any contractual right, either express or implied, to remain in the City’s employ. The Handbook and any City document do not guarantee any fixed terms and conditions of your employment. The provisions of the Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor with the approval of City Council.

All employees receiving the Handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

Signed: ___________________________ Date: ___________________________, 2016

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General Personnel Policy

It is the policy of the City to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the City shall apply to all employees, volunteers, elected and appointed officials, independent contractors and any other individuals who may be performing work on behalf of the City (collectively referred to, and for purposes of this Policy, "Employees"). In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, including the New Jersey Attorney General's guidelines with respect to Police Department personnel matters and the New Jersey Civil Service Acts, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Directors shall be appointed and promoted by the Mayor, as appointing authority for the City. No person shall be appointed or promoted unless there exists a position created by an ordinance adopted by the City Council as well as the necessary budget appropriation and salary ordinance.

The Mayor and all managerial/supervisory personnel are authorized and responsible for the City's personnel policies and procedures. The Mayor has appointed the Personnel Officer to assist the Business Administrator, as the Director of the Department of Administration, to implement personnel practices. The Mayor and Business Administrator shall also have access to outside counsel designated for guidance in personnel matters.

As a general principle, the City has a "no tolerance" policy towards workplace wrongdoing. City officials, employees, volunteers, independent contractors and any other individuals who may be performing work on behalf of the City are to report anything perceived to be improper. The City believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Director, Business Administrator or Personnel Officer concerning any problem.

The Handbook adopted by the City Council is intended to provide guidelines covering public service by City employees, officials, volunteers, independent contractors and any other individuals who may be performing work on behalf of the City and is not a contract. This Handbook contains many, but not necessarily all of the rules, regulations and conditions of employment. The provisions of this Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the City.

To the maximum extent permitted by law, the employment practices of the City shall operate under the legal doctrine known as "employment at will." Within Federal and State law, including, but not limited to, the New Jersey Civil Service Act, and any applicable collective negotiations unit agreement, the City shall have the right to terminate an employee at any time and for any reason, with or without notice, except the City shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.
SECTION ONE:

POLICIES RELATING TO EMPLOYEE RIGHTS AND OBLIGATIONS

Anti-Discrimination Policy

The City is committed to the principles of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, and the New Jersey Law Against Discrimination ("LAD"). Under no circumstances will the City discriminate on the basis of gender, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination of employees are based solely on an employee or prospective employee's qualifications and performance. If any employee or prospective employee feels that he or she has been treated unfairly, he or she has the right to address his or her concern with his or her supervisor, or if he or she prefers, his or her Department Director, the Business Administrator, or the Affirmative Action Officer.

Americans with Disabilities Act Policy

In compliance with the Americans with Disabilities Act and the LAD, the City does not discriminate based on disability. The City will endeavor to make every work environment handicap accessible, and all future construction and renovation of City facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

It is the City's policy to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the LAD. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the City.

The Business Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions regarding any reasonable accommodation shall be made by the Business Administrator and the Personnel Officer. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the City to offer permanent "light duty", relocate essential job functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.
**Contagious or Life-Threatening Illnesses Policy**

The City encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The City shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the City.

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

- Medical information only may be disclosed with the prior written informed consent of the person who is the subject of the information.

- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.

- Information may be disclosed to the Department of Health as required by State or Federal law.

Supervisors, Department Directors and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

**Safety Policy**

The City will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act ("PEOSHA"). The City is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices, including personal protective equipment and a failure to do either constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Director. Any on-the-job accident or accident involving City facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Director.

The City has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.
Transitional Duty Policy

The City will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions (with or without reasonable accommodations) because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a Department already has one employee on transitional duty, it is unlikely that another employee from that same Department will be assigned transitional duty.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Business Administrator and Personnel Officer as soon as the temporarily-disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions (with or without reasonable accommodations) of the position after the transitional duty period. The Business Administrator will consult with the Department Director to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee’s regular department. The Business Administrator will decide if it is in the City’s best interest to approve a transitional duty request and will notify the employee of the decision. The City reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers’ Compensation Physician. In such cases, a failure to report to work as directed shall constitute abandonment of position and shall be grounds for immediate dismissal. If the employee believes that the transitional duty assignment is beyond the employee’s abilities, the employee may request a meeting with the Business Administrator, who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Business Administrator informed of the employee’s medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the City reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee’s rights under the Americans with Disabilities Act, the Family Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.
DRUG AND ALCOHOL TESTING POLICY

PURPOSE

The City recognizes that the use and abuse of drugs and alcohol in today's society is a serious problem that may involve the workplace. It is the intent of the City to provide all employees with a safe and secure workplace in which each person can perform his/her duties in an environment that promotes individual health and workplace efficiency. Employees of the City are public employees and must foster the public trust by preserving employee reputation for integrity, honesty, and responsibility.

To provide a safe, healthy, productive, and drug-free working environment for its employees to properly conduct the public business, the City has adopted this drug and alcohol testing by adopting and approving this Handbook. This policy complies with the: Federal Drug-Free Workplace Act of 1988, which ensures employees the right to work in an alcohol- and drug-free environment and to work with persons free from the effects of alcohol and drugs; Federal Highway Administration (FHWA) rules, which require drug and alcohol testing for persons required to have a commercial driver's license (CDL); Division of Transportation (DOT) rules, which include procedures for urine drug testing and breath alcohol testing; and the Omnibus Transportation Employee Testing Act of 1991, which requires alcohol and drug testing of safety-sensitive employees, including Police and Fire employees. In the case of this policy, the Omnibus Transportation Employee Testing Act of 1991 is most significant with its additional requirement of using the "split specimen" approach to drug testing, which provides an extra safeguard for employees. The types of tests required are: pre-employment, transfer, reasonable suspicion, post-incident, random, return-to-duty, and follow-up.

It is the policy of the City that the use of drugs by its employees and impairment in the workplace due to drugs and/or alcohol are prohibited and will not be tolerated. Engaging in prohibited and/or illegal conduct may lead to termination of employment. Prohibited and/or illegal conduct includes, but is not limited to:

1. being on duty or performing work in or on City property while under the influence of drugs and/or alcohol;
2. engaging in the manufacture, sale, distribution, use, or unauthorized possession of (illegal) drugs at any time and of alcohol while on duty or while in or on City property;
3. refusing or failing a drug and/or alcohol test administered under this policy;
4. providing an adulterated, altered, or substituted specimen for testing;
5. use of alcohol within four hours prior to reporting for duty on schedule or use of alcohol while on-call for duty; and
6. Use of alcohol or drugs within eight hours following an accident (incident) if the employee's involvement has not been discounted as a contributing factor in the accident (incident) or until the employee has successfully completed drug and/or alcohol testing procedures.

This policy does not preclude the appropriate use of legally prescribed medication that does not adversely affect the mental, physical, or emotional ability of the employee to safely and efficiently perform his/her duties. It is the employee's responsibility to inform the proper supervisory personnel of his/her use of such legally prescribed medication before the employee goes on duty or performs any work.

In order to educate the employees about the dangers of drug and/or alcohol abuse, the City shall sponsor an information and education program for all employees and supervisors. Information will be provided on the signs and symptoms of drug and/or alcohol abuse; the effects of drug and/or alcohol abuse on an individual's health, work, and personal life; the City's policy regarding drugs and/or alcohol; and the availability of counseling. The Personnel Officer has been designated as the municipal official responsible for answering questions regarding this policy and its implementation.

All City property may be subject to inspection at any time without notice. There should be no expectation of privacy in such property. Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

SCOPE

Certain aspects of this policy may apply to full-time, part-time, temporary, and volunteer employees of City. The policy also applies to applicants for positions requiring a CDL and other safety sensitive positions who have been given a conditional offer of employment from the City.

CONSENT FORM

Before a drug and/or alcohol test is administered, employees and applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to the laboratory, medical review officer (MRO), Personnel Officer, etc., or his/her designee. The consent form shall provide space for employees and applicants to acknowledge that they have been notified of the City's drug and alcohol testing policy.

The consent form shall set forth the following information:

1. The procedure for confirming and verifying an initial positive test result;
2. The consequences of a verified positive test result; and
3. The consequences of refusing to undergo a drug and/or alcohol test.
The consent form also provides authorization for certified or licensed attending medical personnel to take and have analyzed appropriate specimens to determine if drugs or alcohol were present in the employee's system.

**COMPLIANCE WITH SUBSTANCE ABUSE POLICY**

Compliance with this substance abuse policy is a condition of employment. The failure or refusal by an applicant or employee to cooperate fully by signing necessary consent forms or other required documents or the failure or refusal to submit to any test or any procedure under this policy in a timely manner will be grounds for refusal to hire or for termination. The submission by an applicant or employee of a urine sample that is not his/her own or a sample that is adulterated shall be grounds for refusal to hire or for termination.

**GENERAL RULES**

These are the general rules governing the City's drug and alcohol testing program:

1. City employees shall not take or be under the influence of any drugs unless prescribed by the employee's licensed physician. Employees who are required to take prescription and/or over-the-counter medications shall notify the proper supervisory personnel before the employees go on duty.

2. City employees are prohibited from engaging in the manufacture, sale, distribution, use, or unauthorized possession of illegal drugs at any time and of alcohol while on duty or while in or on City property.

3. All City property is subject to inspection at any time without notice. There should be no expectation of privacy in or on such property. City Property includes, but is not limited to, vehicles, desks, containers, files, and lockers.

4. Any employee convicted of violating a criminal drug statute shall inform the director of his/her department of such conviction (including pleas of guilty, Pretrial Intervention and nolo contendere) within five days of the conviction occurring. Failure to so inform the City subjects the employee to disciplinary action up to and including termination for the first offense. The City will notify the federal contracting officer pursuant to applicable provisions of the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act.

**DRUG TESTING**

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to drug testing under six separate conditions:
A. Types of Tests

1. Pre-employment

All employment applicants for safety sensitive positions who have received a conditional offer of employment with the City must take a drug test before receiving a final offer of employment. Safety sensitive positions include: police officers, firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, and all positions having responsibility for the safety and care of children.

2. Transfer

Employees transferring to a "safety sensitive" position, as that term is defined in the preceding paragraph, shall undergo drug testing and/or another position within the City that requires a commercial driver's license (CDL) shall undergo drug testing.

3. Post-Accident/Post-Incident Testing (Note – All employees are subject to Post-Accident drug testing.)

Following any workplace accident (incident) determined by supervisory personnel of the City to have resulted in significant property or environmental damage or in significant personal injury, including, but not limited to, a fatality or human injury requiring medical treatment, any employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident), and who is reasonably suspected of possible drug use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) drug test.

Post-accident (post-incident) testing shall be carried out within 32 hours following the accident (incident). Urine collection for post-accident (post-incident) testing shall be monitored or observed by same-gender collection personnel at the established collection site(s).

In instances where post-accident (post-incident) testing is to be performed, the City reserves the right to direct the medical review officer (MRO) to instruct the designated laboratory to perform testing on submitted urine specimens for possible illegal/illegitimate substances.

Any testing for additional substances listed as CDS (Controlled Dangerous Substances under New Jersey law) shall be performed at the urinary cutoff level that is normally used for those specific substances by the laboratory selected.
a. Post-Accident (Post-Incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where drug testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated urine specimen collection site within 32 hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within 32 hours. No employee shall consume drugs prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in providing specimens for drug testing shall be considered a refusal to cooperate with the substance abuse program of the City and shall result in administrative action up to and including termination of employment.

b. Post-Accident (Post-Incident) Testing for Injured Employees

An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for drug testing by qualified, licensed attending medical personnel and consent to the testing of the specimens. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City appropriate and necessary information or records that would indicate only whether or not specified prohibited drugs (and what amounts) were found in the employee’s system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date.

Post-accident (post-incident) urinary testing may be impossible for unconscious, seriously-injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if drugs were present in the employee’s system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within 32 hours must be fully documented by the attending medical personnel.

4. Testing Based on Reasonable Suspicion (Note – All employees are subject to reasonable suspicion testing.)

A drug test is required for any employee where there is reasonable suspicion to believe the employee is using or is under the influence of drugs and/or alcohol.
The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used drugs. This belief should be based on recent, physical, behavioral, or performance indicators of possible drug use. One supervisor who has received drug detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City making a determination to subject any employee to drug testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Personnel Officer within 24 hours of the decision to test and before the results of the urine drug tests are received by the department. Urine collection for reasonable suspicion testing shall be monitored or observed by same-gender collection personnel.

5. Random Testing

Only employees of the City holding safety sensitive positions are subject to random alcohol and drug testing. Safety sensitive positions include: police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, and other positions having responsibility for the safety and care of children. It is the policy of the City to annually random test for drugs at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).

A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee’s selection for random urine drug testing and the actual presentation for specimen collection.

Random donor selection dates will be unannounced with unpredictable frequency. Some may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to produce a specimen on the date random testing occurs, the City may omit that employee from that random testing or await the employee's return to work.

6. Return-to-Duty and Follow-Up

Any employee of the City who has violated the prohibited drug conduct standards and is allowed to return to work, must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 36 months following return to duty.
The employee will be required to pay for his or her return-to-duty and follow-up tests accordingly. (Note - Requiring employees to pay for their return-to-duty and follow-up tests is optional.)

Testing will also be performed on any employee possessing a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

B. PROHIBITED DRUGS

All drug results will be reported to the medical review officer (MRO). If verified by the MRO, they will be reported to the Personnel Officer. The following is a list of drugs for which tests will be routinely conducted (see Appendix A for cutoff levels):

1. amphetamines,
2. marijuana,
3. cocaine,
4. opiates,
5. phencyclidine (PCP),
6. alcohol, and
7. depressants.

The City may test for any additional substances as may be deemed appropriate.

C. DRUG TESTING COLLECTION PROCEDURES

Testing will be accomplished as non-intrusively as possible. Affected employees, except in cases of random testing, will be taken by a supervisor or designated personnel of the City to a drug test collection facility selected by the City, where a urine sample will be taken from the employee in privacy. The urine sample will be immediately sealed by personnel overseeing the specimen collection after first being examined by these personnel for signs of alteration, adulteration, or substitution. The sample will be placed in a secure mailing container. The employee will be asked to complete a chain-of-custody form to accompany the sample to a laboratory selected by the City to perform the analysis on collected urine samples.
D. DRUG TESTING LABORATORY STANDARDS AND PROCEDURES

All collected urine samples will be sent to a laboratory that is certified and monitored by the U.S. Department of Health and Human Services (DHHS).

As specified earlier, in the event of an accident (incident) occurring after regular work hours, the supervisor or designated personnel shall take the employee(s) to the (testing site) within 32 hours where proper collection procedures will be administered.

The Omnibus Act requires that drug testing procedures include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of drugs, the employee has 72 hours to request sending the split specimen to another federal Department of Health and Human Services (DHES) certified laboratory for analysis. The employee will be required to pay for his or her split specimen test(s).

For the employee's protection, the results of the analysis will be confidential except for the testing laboratory. After the MRO has evaluated a positive test result, the employee will be notified, and the MRO will notify the Personnel Officer).

E. REPORTING AND REVIEWING

The City shall designate a medical review officer (MRO) to receive, report, and file testing information transmitted by the laboratory. This person shall be a licensed physician with knowledge of substance abuse disorders.

1. The laboratory shall report test results only to the designated MRO, who will review them in accordance with accepted guidelines and the procedures adopted by the City.

2. Reports from the laboratory to the MRO shall be in writing or by fax. The MRO may talk with the employee by telephone upon exchange of acceptable identification.

3. The testing laboratory, collection site personnel, and MRO shall maintain security over all the testing data and limit access to such information to the following: the respective department head, the (Personnel Officer), and the employee.

4. Neither the City, the laboratory, nor the MRO shall disclose any drug test results to any other person except under written authorization from the affected employee, unless such results are necessary in the process of resolution of accident (incident)
investigations, requested by court order, or required to be released to parties having legitimate right-to-know as determined by the City attorney.

7. ALCOHOL TESTING

An applicant or employee must carry and present a current and recent photo ID to appropriate personnel during testing. Failure to present a photo ID is equivalent to refusing to take the test. Employees and applicants may be required to submit to alcohol testing under six separate conditions:

A. Types of Tests

1. Post-Accident/Post-Incident Testing

Following any workplace accident (incident) determined by supervisory personnel of the City to have resulted in significant property or environmental damage or in significant personal injury, including, but not limited to, a fatality or human injury requiring medical treatment, each employee whose performance either contributed to the accident (incident) or cannot be discounted as a contributing factor to the accident (incident) and who is reasonably suspected of possible alcohol use as determined during a routine post-accident (post-incident) investigation or who receives a citation for a moving violation arising from the accident will be required to take a post-accident (post-incident) alcohol test.

Post-accident (post-incident) testing shall be carried out within two hours following the accident (incident).

a. Post-Accident (Post-incident) Testing for Ambulatory Employees

Following all workplace accidents (incidents) where alcohol testing is to be performed, unless otherwise specified by the department head, affected employees who are ambulatory will be taken by a supervisor or designated personnel of the City to the designated breath alcohol test site for a breath alcohol test within two hours following the accident. In the event of an accident (incident) occurring after regular work hours, the employee(s) will be taken to the (testing site) within two hours. No employee shall consume alcohol prior to completing the post-accident (post-incident) testing procedures.

No employee shall delay his/her appearance at the designated collection site(s) for post-accident (post-incident) testing. Any unreasonable delay in appearing for alcohol testing shall be considered a refusal to cooperate with the substance abuse program of the City and shall result in administrative action up to and including termination of employment.

b. Post-Accident (Post-incident) Testing for Injured Employees
An affected employee who is seriously injured, non-ambulatory, and/or under professional medical care following a significant accident (incident) shall consent to the obtaining of specimens for alcohol testing by qualified, licensed attending medical personnel and consent to specimen testing. Consent shall also be given for the attending medical personnel and/or medical facility (including hospitals) to release to the medical review officer (MRO) of the City appropriate and necessary information or records that would indicate only whether or not specified prohibited alcohol (and what amount) was found in the employee's system. Consent shall be granted by each employee at the implementation date of the substance abuse policy of the City or upon hiring following the implementation date.

Post-accident (post-incident) breath alcohol testing may be impossible for unconscious, seriously injured, or hospitalized employees. If this is the case, certified or licensed attending medical personnel shall take and have analyzed appropriate specimens to determine if alcohol was present in the employee's system. Only an accepted method for collecting specimens will be used. Any failure to do post-accident (post-incident) testing within two hours must be fully documented by the attending medical personnel.

2. Testing Based on Reasonable Suspicion

An alcohol test is required for each employee where there is reasonable suspicion to believe the employee is using or is under the influence of alcohol.

The decision to test for reasonable suspicion must be based on a reasonable and articulate belief that the employee is using or has used alcohol. This belief should be based on recent, physical, behavioral, or performance indicators of possible alcohol use. One supervisor who has received alcohol detection training that complies with DOT regulations must make the decision to test and must observe the employee's suspicious behavior.

Supervisory personnel of the City making a determination to subject any employee to alcohol testing based on reasonable suspicion shall document their specific reasons and observations in writing to the Personnel Officer within eight hours of the decision to test and before the results of the tests are received by the department.

3. Random Testing

Only employees of the City holding safety sensitive positions are subject to random alcohol testing. Safety sensitive positions include police officers, firefighters, positions requiring a commercial driver's license, public works equipment operators, water/wastewater plant operators, all positions involving the construction and maintenance of pipelines, and other positions having responsibility for the safety and care of children. It is the policy of the City to annually random test for alcohol at least 50 percent of the total number of drivers possessing or obtaining a commercial driver's license (CDL).
A minimum of 15 minutes and a maximum of two hours will be allowed between notification of an employee's selection for random alcohol testing and the actual presentation for testing.

Random test dates will be unannounced with unpredictable frequency. Some employees may be tested more than once each year while others may not be tested at all, depending on the random selection.

If an employee is unavailable (i.e., vacation, sick day, out of town, work-related causes, etc.) to be tested on the date random testing occurs, the City may omit that employee from that random testing or await the employee's return to work.

4. Return-to-Duty and Follow-Up

Any employee of the City who has violated the prohibited alcohol conduct standards must submit to a return-to-duty test. Follow-up tests will be unannounced, and at least six tests will be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Testing will also be performed on any employee with a CDL returning from leave or special assignment in excess of six months. In this situation, the employee will not be required to pay for the testing.

B. ALCOHOL TESTING PROCEDURES

All breath alcohol testing conducted for the City shall be performed using evidential breath testing (EBT) equipment and personnel approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing is to be performed by a qualified technician as follows:

1. Step One:

An initial breath alcohol test will be performed using a breath alcohol analysis device approved by the National Highway Traffic Safety Administration (NHTSA). If the measured result is less than 0.02 percent breath alcohol level (BAL), the test shall be considered negative. If the result is greater or equal to 0.04 percent BAL, the result shall be recorded and witnessed, and the test shall proceed to Step Two.

2. Step Two:

Fifteen minutes shall be allowed to pass following the completion of Step One above. Before the confirmation test or Step Two is administered for each employee, the breath alcohol technician shall insure that the evidential breath testing device registers 0.00 on an air blank. If the reading is greater than 0.00, the breath alcohol technician shall conduct one more
air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument. Then Step One shall be repeated using a new mouthpiece and either the same or equivalent but different breath analysis device.

The breath alcohol level detected in Step Two shall be recorded and witnessed.

If the lower of the breath alcohol measurements in Step One and Step Two is 0.04 percent or greater, the employee shall be considered to have failed the breath alcohol test. Failure of the breath alcohol test shall result in administrative action by proper officials of the City up to and including termination of employment.

Any breath level found upon analysis to be between 0.02 percent BAL and 0.04 percent BAL shall result in the employee's removal from duty without pay for a minimum of 24 hours. In this situation, the employee must be retested by breath analysis and found to have a BAL of less than 0.02 percent before returning to duty with the City.

All breath alcohol test results shall be recorded by the technician and shall be witnessed by the tested employee and by a supervisory employee of the City, when possible.

The completed breath alcohol test form shall be submitted to the Personnel Officer.

8. EDUCATION AND TRAINING

A. Supervisory Personnel Who Will Determine Reasonable Suspicion Testing

Training supervisory personnel who will determine whether an employee must be tested based on reasonable suspicion will include at the minimum two 60-minute periods of training on the specific, contemporaneous, physical, behavioral, and performance indicators of both probable drug use and alcohol use. One 60-minute period will be for drugs and one will be for alcohol.

The City will sponsor a drug-free awareness program for all employees.

B. Distribution of Information

The minimal distribution of information for all employees will include the display and distribution of:

a. informational material on the effects of drug and alcohol abuse;

b. an existing community services hotline number, available drug counseling, rehabilitation, and employee assistance programs for employee assistance;
o. City policy regarding the use of prohibited drugs and/or alcohol; and

d. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

9. CONSEQUENCES OF A CONFIRMED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT AND/OR VERIFIED POSITIVE DRUG AND/OR ALCOHOL TEST RESULT

Job applicants will be denied employment with the City if their initial, positive pre-employment drug test results have been confirmed/verified.

If a current employee's positive drug and alcohol test result has been confirmed, the employee is subject to immediate removal from any safety-sensitive function and may be subject to disciplinary action up to and including termination. The City may consider the following factors in determining the appropriate disciplinary response: the employee's work history, length of employment, current work assignment, current job performance, and existence of past disciplinary actions. However, the City reserves the right to allow employees to participate in an education and/or treatment program approved by the City Employee Assistance Program as an alternative to or in addition to disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment.

No disciplinary action may be taken pursuant to this drug policy against employees who voluntarily identify themselves as drug users, obtain counseling and rehabilitation through the City's Employee Assistance Program or other program sanctioned by the City, and thereafter refrain from violating the City's policy on drug and alcohol abuse. However, voluntary identification will not prohibit disciplinary action for the violation of City personnel policy and regulations, nor will it relieve the employee of any requirements for return to duty testing.

Refusing to submit to an alcohol or controlled substances test means that an employee: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process. In any case, the physician or breath alcohol technician shall provide a written statement to the City indicating a refusal to test.
10. VOLUNTARY DISCLOSURE OF DRUG AND/OR ALCOHOL USE

In the event that an employee of the City is dependent upon or an abuser of drugs and/or alcohol and sincerely wishes to seek professional medical care, that employee should voluntarily discuss his/her problem with the respective department head in private.

Such voluntary desire for help with a substance abuse problem will be honored by the City. If substance abuse treatment is required, the employee will be removed from active duty pending completion of the treatment.

Affected employees of the City may be allowed up to 30 consecutive calendar days for initial substance abuse treatment as follows:

1. The employee must use all vacation, sick, and compensatory time available.

2. In the event accumulated vacation, sick, and compensatory time is insufficient to provide the medically prescribed and needed treatment up to a maximum of 30 consecutive calendar days, the employee will be provided paid/unpaid leave for the difference between the amount of accumulated leave and the number of days prescribed and needed for treatment up to the maximum 30-day treatment period.

Voluntary disclosure must occur before an employee is notified of or otherwise becomes subject to a pending drug and/or alcohol test.

Prior to any return-to-duty consideration of an employee following voluntary substance abuse treatment, the employee shall obtain a return-to-duty recommendation from the substance abuse professional (SAP) of the City. The SAP may suggest conditions of reinstatement of the employee that may include after-care and return-to-duty and/or random drug and alcohol testing requirements. The respective department head and Personnel Officer of the City will consider each case individually and set forth final conditions of reinstatement to active duty. These conditions of reinstatement must be met by the employee. Failure of the employee to complete treatment or follow after-care conditions, or subsequent failure of any drug or alcohol test under this policy will result in administrative action up to and including termination of employment.

These provisions apply to voluntary disclosure of a substance abuse problem by an employee of the City. Voluntary disclosure provisions do not apply to applicants. Employees found positive during drug and/or alcohol testing under this policy are subject to administrative action up to and including termination of employment as specified elsewhere in this policy.

11. EXCEPTIONS

This policy does not apply to possession, use, or provision of alcohol and/or drugs by employees in the context of authorized work assignments (i.e., undercover police enforcement,
intoxilyzer demonstrations). In all such cases, it is the individual employee's responsibility to ensure that job performance is not adversely affected by the possession, use, or provision of alcohol.

12. MODIFICATION OF POLICY

This statement of policy may be revised by the City at any time to comply with applicable federal and state regulations that may be implemented, to comply with judicial rulings, or to meet any changes in the work environment or changes in the drug and alcohol testing policy of the City.

13. DEFINITIONS

For purposes of the drug and alcohol testing policy, the following definitions are adopted:

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test.

Alcohol Use - The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant - Any person who has on file an application for employment or any person who is otherwise being considered for employment or transfer to the police department, fire department, or to a position requiring a commercial driver's license (CDL) being processed for employment. For the purposes of this policy, an applicant may also be: a uniformed employee who has applied for and is offered a promotion or who has been selected for a special assignment; a non-uniformed employee who is offered a position as a uniformed employee; or an employee transferring to or applying for a position requiring a CDL.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

Chain of Custody - The method of tracking each urine specimen to maintain control from initial collection to final disposition for such samples and accountability at each stage of handling, testing, storing, and reporting.

Collection Site - A place where applicants or employees present themselves to provide, under controlled conditions, a urine specimen that will be analyzed for the presence of alcohol and/or drugs. Collection site may also include a place for the administration of a breath analysis test.

Collection Site Personnel - A person who instructs donors at the collection site.
Commercial Driver’s License (CDL) - A motor vehicle driver’s license required to operate a commercial motor vehicle (CMV).

Commercial Motor Vehicle (CMV) - Any vehicle or combination of vehicles meeting the following criteria: weighing more than 26,000 pounds; designed to transport more than 15 passengers; transporting hazardous materials required by law to be placarded, regardless of weight; and/or classified as a school bus.

Confirmation Test - In drug testing, a second analytical procedure that is independent of the initial test to identify the presence of a specific drug or metabolite that uses a different chemical principle from that of the initial test to ensure reliability and accuracy. In breath alcohol testing, a second test following an initial test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmed Positive Result - The presence of an illicit substance in the pure form or its metabolites at or above the cutoff level specified by the National Institute of Drug Abuse identified in two consecutive tests that utilize different test methods and that was not determined by the appropriate medical, scientific, professional testing, or forensic authority to have been caused by an alternate medical explanation or technically insufficient data. An EBT result equal to or greater than 0.02 is considered a positive result.

Consortium - An entity, including a group or association of employers or contractors, which provides alcohol or controlled substances testing as required by this part or other DOT alcohol or drug testing rules and that acts on behalf of the employers.

Department Director - The director or chief of a City department or his/her designee. The designee may be an individual who acts on behalf of the director to implement and administer these procedures.

DHHS - The federal Department of Health and Human Services or any designee of the secretary, Department of Health and Human Services.

DOT Agency - An agency of the United States Department of Transportation administering regulations related to alcohol and/or drug testing. For the City, the Federal Highway Administration (FHWA) is the DOT agency.

Driver - Any person who operates a commercial motor vehicle.

EAP - Employee Assistance Program.

Employee - An individual currently employed by the City of Hoboken.

Evidential Breath Testing Device (EBT) - An instrument approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.”
FHWA - Federal Highway Administration.

Initial Test - In drug testing, an immunoassay test to eliminate negative urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.

Negative Result - The absence of an illicit substance in the pure form or its metabolites in sufficient quantities to be identified by either an initial test or confirmation test.


Refuse to Submit - Refusing to submit to an alcohol or controlled substances test means that a driver: (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part; or (3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Positions - include police officers, firefighters, positions requiring a commercial driver's license, public works positions involving the operation of heavy equipment, water/wastewater plant operators, all positions involving the construction and maintenance of electrical lines, and other positions having responsibility for the safety and care of children.

Split Specimen - Urine drug test sample will be divided into two parts. One part will be tested initially, the other will remain sealed in case a retest is required or requested.

Substance Abuse Professional - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
APPENDICES

APPENDIX A

2014 DRUG AND ALCOHOL TEST STANDARDS

Initial screen. An immunoassay screen is run on all urine specimens to eliminate "negative" urine specimens from further analysis. The immunoassay meets the requirements of the Food and Drug Administration for commercial distribution. The initial cutoffs are as listed below:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Initial Test Cutoff Levels (ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolites</td>
<td>100</td>
</tr>
<tr>
<td>Cocaine metabolites</td>
<td>300</td>
</tr>
<tr>
<td>Opiate metabolites</td>
<td>300*</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>1,000</td>
</tr>
<tr>
<td>Alcohol</td>
<td>Less than .02 alcohol concentration</td>
</tr>
</tbody>
</table>

NOTES: * 25 ng/ml if immunoassay specific for free morphine.

Confirmatory tests. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff levels listed below. All confirmations shall be by quantitative analysis.

<table>
<thead>
<tr>
<th>Substance</th>
<th>Confirmatory Test Cutoff Levels (ng/ml)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolites</td>
<td>15</td>
</tr>
<tr>
<td>Cocaine metabolites</td>
<td>50</td>
</tr>
<tr>
<td>Opiate:</td>
<td></td>
</tr>
<tr>
<td>Morphine</td>
<td>300</td>
</tr>
<tr>
<td>Codeine</td>
<td>300</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25</td>
</tr>
<tr>
<td>Amphetamines:</td>
<td></td>
</tr>
<tr>
<td>Amphetamine</td>
<td>500</td>
</tr>
</tbody>
</table>

27
<table>
<thead>
<tr>
<th>Substance</th>
<th>Cutoff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methamphetamine</td>
<td>500</td>
</tr>
</tbody>
</table>

(Note - Additional substances may be tested at the cutoff level customarily used by the selected laboratory. Cutoff levels are subject to change as DOT rules change.)
APPENDIX B

EMPLOYEE ACKNOWLEDGMENT FORM
City of Hoboken

EMPLOYEE ACKNOWLEDGMENT

As an applicant or an employee, I have carefully read the City of Hoboken’s drug and alcohol testing policy. I have received a copy of the City’s drug and alcohol testing policy, understand its requirements, and agree without reservation to follow this policy. As an applicant, I am aware that my offer of employment is conditional upon the results of a drug and/or alcohol test. As an employee, I am aware that I may be required to undergo drug and/or alcohol tests, that I will be informed prior to the drug and/or alcohol test, and that I may be subject to immediate dismissal if I refuse to take the test.

_________________________                    __________________________
Name of Applicant or Employee                        Social Security Number

_________________________
Department

_________________________
(Signature of Applicant or Employee)

_________________________
(Signature of Witness)

_________________________
Supervisor

_________________________
Date

_________________________
Date

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APPENDIX C
CONSENT AND ACKNOWLEDGMENT FORM
City of Hoboken
DRUG/ALCOHOL TESTING PROCEDURES
CONSENT AND ACKNOWLEDGMENT FORM

As an applicant or an employee with the City of Hoboken, I hereby consent to and acknowledge that I am scheduled to undergo drug and/or alcohol testing. The test for alcohol will be a breath analysis test. The drug test will involve an analysis of a urine sample, which I will provide at a designated site. The purpose of the test will be to test for the presence of the following substances: amphetamines, marijuana, cocaine, opiates, PCP, alcohol, and/or any additional drugs listed as a CDS (Controlled Dangerous Substance under New Jersey law). I authorize qualified personnel to take and have analyzed appropriate specimens to determine if drugs and/or alcohol are present in my system. I acknowledge that the drug/alcohol screen test results will be made available to the testing laboratory, medical review officer (MRO), the Personnel Officer, or his/her designee. As an applicant, I am aware that a confirmed and verified positive drug/alcohol test result will rescind my conditional offer of employment. As an employee, I am aware that a confirmed and verified positive test result may lead to disciplinary action up to and including immediate dismissal. I will present a copy of this form to the collection site when I report for my scheduled drug/alcohol test. I also understand that failure to provide adequate breath for testing without a valid medical explanation, failure to provide adequate urine for controlled substances testing without a valid medical explanation, and engaging in conduct that clearly obstructs the testing process are the same as refusing to test.

Name of Applicant or Employee: ____________________________

Department Name: _______________________________________

Social Security Number: _________________________________

(Signature of Applicant or Employee) __________________________ Date __________________________

(Signature of Witness) __________________________ Date __________________________

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Appendix D

Third Party Administrator (TPA)

Mike Maxson  
Director of National Compliance  
Concorde Inc.  
1835 Market Street, Suite 1200  
Philadelphia, Pennsylvania 19103-2994  
215-523-8880  
215-563-7978 fax  
mike@Concorde2000.com

Designated Employer Representative (DER)

Maritza Emanuelli, Administrative Clerk  
City of Hoboken  
Department of Administration  
Division of Personnel & Benefits  
94 Washington Street  
Hoboken, New Jersey 07030  
201-239-4592  
201-420-0103 fax  
memanuellia@hobokennj.gov

Collection sites

Carole Flynn  
PromptMD  
309 1st Street  
Hoboken, New Jersey 07030  
201-222-8411  
javed_islam@msn.com

Breath Alcohol Technician (BAT)

Carole Flynn  
PromptMD  
309 1st Street  
Hoboken, New Jersey 07030  
201-222-8411
javed.islam@msn.com

DHHS-approved Laboratory

Quest Diagnostic
10101 Renner Boulevard
Lenexa, Kansas 66219
800-877-7484

Medical Review Officer (MRO)

Arthur J Schatz, M.D.
Concorde Inc.
1835 Market Street
Suite 1200
Philadelphia, Pennsylvania 19103-2994
215-563-0224
MROstaff@Concorde2000.com

Substance Abuse Professional (SAP)

Assaf Amos, LSW, LCADC
Care Point Health
Giant Steps
61 Monroe Street
Hoboken, New Jersey 07030
201-792-8290
oramos@Hobokenumc.com

Employee Assistance Program (EAP)

Megan Marchetti
Wellness Coach
Wellness Coaches USA
725 Skippack Pike, Suite 300
Blue Bell, Pennsylvania 19422
866-894-1300, Ext. 218
mmarchetti@wcoasa.com
www.wellnesscoachesusa.com
Workplace Violence/Workplace Bullying Policy

The City will not tolerate workplace violence or workplace bullying in any form. Workplace violence comprises violent acts or threats made by an employee, official, volunteer, vendor, independent contractor or any other individual who may be performing work on behalf of the City against another person or property. Workplace violence is cause for immediate dismissal and will be fully prosecuted. Workplace violence includes any violence or threats made on City property, at City events, or under other circumstances that may negatively affect the City's ability to conduct business.

WORKPLACE CONDUCT AND ANTI-INTOLERANCE POLICY

Section 1: Policy

The City maintains a strong policy of tolerance and equal employment for all employees and applicants for employment. The City does not discriminate against any employee because of age, race, creed, color, religion, marital status, sex, national origin or political or union affiliation. The City's equal employment opportunity philosophy applies to all aspects of employment, including recruiting, hiring, training, transfer, promotion, job benefits, pay, dismissal, educational assistance, and social and recreational activities.

The need for mutual respect and the opportunity to work together in a peaceful, mutually rewarding and efficient work environment provides the foundations upon which these rules are established. The City solicits employee cooperation in abiding by these standards and in creating an atmosphere in which the City and its employees can strive to reach common goals.

It is also the policy of the City that workplace harassment of employees is unacceptable conduct and will not be condoned nor tolerated when committed by employees, officials or agents of the City in the workplace or in the course of work. The City will not tolerate any form of harassment that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. Furthermore, workplace harassment is illegal under federal and state laws.

The City is equally committed to maintaining a work environment free from intolerance, harassment of all types, bullying, bigotry and the like, and to improve employee awareness for the need to be sensitive to how they interact with fellow employees, vendors, and members of the public to foster professionalism and good citizenship.

Section 2: Workplace Conduct Defined

It is important to remember that all City employees spend considerable time together during the workday. It also must be remembered that we represent the City when interacting with vendors and members of the public. Therefore, it is incumbent upon all of us to be careful in how we interact with co-workers, vendors, and members of the public. What may be
Inoffensive language or conduct to one person may be offensive to another. We all must be aware of our actions and maintain a professional, respectful and courteous demeanor at all times.

Workplace harassment can range from verbal (oral, written, or pictorial) abuse or body language and gestures, which create an intimidating, hostile or offensive working environment, to physical violence. Examples of workplace harassment include teasing, bullying, racial, ethnic, or gender slurs and other derogatory remarks.

In addition to preventing workplace harassment, the City is dedicated to promoting professionalism, efficiency, productivity, and cooperation among its employees. Therefore, the City requires its employees to be sensitive to how we comport ourselves in the workplace. For this reason, it may be helpful to identify some examples of impermissible conduct that will lead to disciplinary action, up to and including immediate discharge. Although the City cannot possibly provide an exhaustive list of impermissible behavior, the following provides some examples:

1. Insubordination or failure to cooperate with fellow employees and/or supervisors;
2. Loss of time by absence, tardiness or leaving assigned job without supervisory approval;
3. Loss of material, tools, equipment or supplies occasioned by wasteful practices or negligence;
4. Damaging or defacing the City’s property or products;
5. Creating or contributing to unsanitary conditions;
6. Unauthorized use of materials, tools, equipment, vehicles or supplies;
7. Failure to comply with safety rules and regulations or engaging in conduct that creates a safety or health hazard;
8. Horseplay, gambling, or instigating or participating in a fight;
9. Vending, soliciting, or distributing goods or printed matter for other than charitable purposes;
10. Unsatisfactory performance;
11. Theft;
12. Falsifying/making a material omission on, or altering the BOARD’s records, time cards, report forms, application materials, etc.;
13. Intolerant, abusive, demeaning, prejudicial comments (including yelling) and/or actions towards fellow employees or any other person;

13. Using, possessing, or being under the influence of alcohol or unlawful drugs while on duty, while on the City's property;

14. Bringing unauthorized firearms, explosives or other dangerous materials on the City's property without explicit prior authorization by the City;

15. Divulging confidential information to others without express authorization by the City;

16. Violation of the City's security regulations;

17. Immoral conduct or indecency;

18. Engaging in unlawful harassment of another person;

19. Engaging in name-calling or the use of profanities, even if in "good fun" or being "playful" or "joking around"; and

20. Engaging in horseplay or other actions that result in employees touching each other.

Section 3: Complaint Procedure

Any employee who believes he or she has been subjected to offensive and/or insulting behavior by a co-worker, supervisor or vendor, has an obligation to directly inform the offending person that the conduct is offensive and must stop.

If this direct communication with the offending person is not successful, the employee should promptly report the incident(s) and the names of the individuals involved to his or her supervisor or, in the alternative, to the Personnel Officer. The supervisor should immediately report any incidents of harassment to the Personnel Officer, who will investigate all such claims and take appropriate corrective action, if any.

Confidentiality to the extent possible will be maintained and no reprisals or retaliation will result from the good faith reporting of intolerant behavior.

In determining whether the alleged conduct constitutes workplace intolerance, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. Any employee found to have engaged in such impermissible behavior shall be subject to sanctions, including, but not limited to, warning, suspension, or termination subject to applicable procedural requirements.
Failure to abide by this policy may result in disciplinary action.

Any employee who has questions concerning this policy should contact the Personnel Officer for clarification or guidance.

Anti-Sexual Harassment Policy

The City’s policy also prohibits sexual harassment of all employees of the City, including the Office of the City Clerk and the City Council, and prohibits such conduct by or towards any City employee, including conduct by any supervisor, co-worker or the general public, along with the City’s officers, volunteers and any other individual who may be performing work on behalf of the City. Independent contractors, vendors and all other parties engaged in a business relationship with the City are expected to abide by this policy in their dealings with City employees. The City prohibits sexual harassment in the workplace or at any other location at which City-sponsored activity occurs. The purpose of this policy is not to regulate personal morality or encroach upon one’s personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment. This general policy is part of the City’s ordinances and Administrative Directive 2012-006 (Affirmative Action/Anti-Harassment Policy) dated September 12, 2012.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and/or other verbal, physical or visual conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment.

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, including, but not limited to:

  Gender Harassment: Generalized gender-based remarks and/or behavior.

  Seductive Behavior: Inappropriate, unwanted, offensive physical and/or verbal sexual advances.

  Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward.

  Sexual Coercion: Coercion of sexual activity by threat of punishment.

  Sexual Assault: Gross sexual imposition, including, but not limited to, touching, fondling, grabbing or assault.
Pursuant to Administrative Directive 2012-006, the following conduct represents some of the types of acts or incidents that violate the City’s Affirmative Action/Anti-Harassment Policy, which includes sexual harassment.

A. Physical contact of a sexual nature, including but not limited to, sexual contact:
   1. Rape, sexual battery, sexual assault, molestation or attempts to commit these assaults; and/or
   2. Intentional unwelcome physical contact of a sexual nature such as touching, pinching, patting, grabbing, or brushing against another person’s body.

B. Unwanted sexual advances, propositions or sexual comments, including, but not limited to:
   1. Sexually-oriented gestures, noises, remarks or jokes about an individual’s sexuality, sexual orientation or sexual experience made in front of or directed at an employee; and/or
   2. Promise of reward for sexual activity; and/or
   3. Making the performance of a person’s job more difficult because of a refusal to submit to sexual conduct.

C. Sexual or discriminatory displays or publications in the work place, including, but not limited to:
   1. Displaying pictures, posters, calendars, graffiti, objects, reading materials or other materials which are sexually suggestive, sexually demeaning, pornographic or racially or ethnically demeaning in nature. A picture or display will be presumed to be sexually suggestive if it depicts a person of either sex not fully clothed or in clothes not suited to routine work or who is posed for the purpose of drawing attention to the private portions of his or her body.
   2. Displaying and/or maintaining pictures, reading materials and/or videos that are sexually suggestive, sexually demeaning, pornographic or racially or ethnically demeaning in nature on a City-owned computer or City-owned telephone, including, City-issued cellular telephones. Again, a picture or display will be presumed to be sexually suggestive if it depicts a person of either sex not fully clothed or in clothes not suited to routine work or who is posed for the purpose of drawing attention to the private portions of his or her body.
D. Retaliation for harassment complaints may include, but is not limited to:

1. Disciplining, changing work assignments, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with an employee because that employee has filed a sexual harassment complaint or participated in a harassment investigation; and/or

2. Falsely denying, lying about or covering up, or attempting to cover-up prohibited conduct. It also includes intentionally pressuring persons to engage in similar or same conduct.

E. Other acts:

1. The acts or conduct described above are not all inclusive of prohibited acts under this policy. Any of the above-described conduct may be construed as sexual harassment.

If any person witnesses or believes that he or she has experienced sexual harassment, the matter should be immediately reported to a supervisor, Department Director and/or Affirmative Action Officer. The City cannot resolve a sexual harassment problem unless it knows about it; therefore, the City strongly encourages individuals to raise these issues so that appropriate steps are taken to correct them. After an investigation, as is provided for in Administrative Directive 2012-006, the City retains the right to take any and all action as is appropriate under the circumstances.

Violation(s) of Administrative Directive 2012-006 and this policy may subject City employees to disciplinary action, including, but not limited to, transfer, immediate suspension and/or termination. Violation(s) of this policy and/or Administrative Directive 2012-006 may subject City officers, volunteers or other individuals who may be performing work on behalf of the City to other appropriate remedial action.

It is a violation of these policies for any employee, official, volunteer, independent contractor or any other individual who may be performing work on behalf of the City to retaliate against any person because he or she has brought legal action or he or she has made a charge, testified, assisted, provided testimony or participated in any manner in an investigation or proceeding related to the abusive conduct or work environment, which includes, but is not limited to, a Formal Complaint Form requesting an investigation of conduct under the City's Administrative Directive 2012-006.

Whistleblower Policy

Employees have the right under the New Jersey Conscientious Employee Protection Act ("CEPA") to complain about any activity, policy, or practice that they reasonably believe violates a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal.
The City shall communicate this right to all employees in an annual letter outlining the specific employee complaint procedure, and City employees must sign a written acknowledgement stating that the employee received, read and understood this letter, which will be included in the employee's official personnel file. The annual notice to all employees shall be in English and Spanish and will contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. The City shall also communicate this information to all employees in a posted notice. All complaints made will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, Department Director or the Business Administrator, the Mayor, any City official or to a public body, as defined in the CEPA (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is one of the following: (i) is a violation of a law, rule or regulation promulgated pursuant to law; (ii) is fraudulent or criminal; or (iii) is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the CEPA, the employee must bring the violation to the attention of his or her supervisor, Department Director, Business Administrator and/or other person designated by the City. Disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) the employee reasonably fears physical harm; or (3) the situation is emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the City a reasonable opportunity to correct the activity, policy, or practice. The administration of whistleblower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy

Employees, officers, volunteers and other individuals who may be performing work on behalf of the City, who observe actions they believe to constitute harassment, workplace violence, workplace bullying, sexual harassment or any other workplace wrongdoing, should immediately report the matter to their supervisor, or, if they prefer or do not think that the matter can be discussed with their supervisor, they should contact their Department Director, the Business Administrator, the Affirmative Action Officer or the Corporation Counsel.
Reporting such incidents is encouraged both when an employee, officer, volunteer or other individuals who may be performing work on behalf of the City feels that he or she is subject to such incidents or observes such incidents with other individuals.

Employees, officers, volunteers and other individuals who may be performing work on behalf of the City should report incidents in writing using the Employee Complaint Form, but they may make a verbal complaint at their discretion. If the employee, officer, volunteer or individual who may be performing work on behalf of the City has any questions about what constitutes harassment, workplace violence, workplace bullying, sexual harassment or any other workplace wrongdoing, he or she may ask his or her supervisor or one of the individuals listed above. All reports of harassment, workplace violence, workplace bullying, sexual harassment or other wrongdoing will be promptly investigated by the City’s Affirmative Action Officer or a person who is not involved in the alleged harassment or wrongdoing.

No City employee, officer, volunteer or individual who may be performing work on behalf of the City will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint or the charges cannot be proven. Moreover, there will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Those individuals who maliciously or recklessly make false or frivolous accusations will be subject to disciplinary action, which could potentially include termination. All investigations of harassment, workplace violence, workplace bullying, sexual harassment or any other workplace wrongdoing will be conducted confidentially to the extent practicable and appropriate under the circumstances in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report of an incident.

Grievance Policy

A grievance is any formal dispute concerning the interpretation, application, and enforcement of any personnel policy or procedure of the City. Grievances regarding items covered by the terms and conditions of employment contained in collective negotiations agreements shall be handled pursuant to the terms of the applicable collective negotiations agreement. There are two (2) types of grievances: 1) Grievances under the Collective Negotiations Agreement; and 2) Grievances under policy violations. All grievances from non-union employees must be presented within five (5) working dates after the dispute arose, and a failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.
• Step One: Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Director who will discuss the matter with the Business Administrator and the Personnel Officer. The supervisor or Department Director will communicate the decision to the employee within two working days.

• Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the Business Administrator detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the Step One decision. After consulting the Personnel Officer and Corporation Counsel, as appropriate, the Business Administrator will render a written decision to the employee within five (5) working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistleblower Policy.

Access to Personnel Files Policy

The official personnel file for each employee shall be maintained by the Personnel Officer. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to an employee's medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Personnel Officer upon reasonable advance notice.

Conflict of Interest Policy

All City employees, including appointed and elected officials, volunteers, and individuals who may be performing work on behalf of the City, must conduct business according to the highest ethical standards of public service. Individuals are expected to devote their best efforts to the interests of the City. Violations of this policy will result in appropriate discipline, which could include, but is not limited to, termination.

The City recognizes the right of employees, officials, volunteers and individuals who may be performing work on behalf of the City to engage in outside activities that are private in nature and unrelated to City business. Business dealings that appear to create a conflict between individuals and the City's interests, however, are unlawful under the New Jersey Local Government Ethics Act (the "Ethics Act"). Under the Ethics Act, certain City employees and officials are required to annually file a state-mandated disclosure form with the City Clerk. The City Clerk will notify the City employees and officials who are subject to the filing requirements under the Ethics Act.
A potential or actual conflict of interest occurs whenever an employee, official, volunteer or individuals who may be performing work on behalf of the City, is in a position to influence a City decision that may result in a personal gain for the employee or an immediate relative, which includes a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt or any person related by blood or marriage residing in an employee’s household.

By law, no City officer, employee, 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 that is in substantial conflict with the proper discharge of his or her duties for the City. In addition, no City 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.

To ensure that employees, officials, volunteers or individuals who may be performing work on behalf of the City do not have any potential or actual conflicts of interest, all individuals must complete a Conflict of Interest Form. Employees, officials, volunteers and individuals who may be performing work on behalf of the City are required to disclose possible conflicts to the Business Administrator and Corporation Counsel so that the City may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator or the Corporation Counsel to obtain clarification and direction.

Employees, officials, volunteers or individuals who may be performing work on behalf of the City are allowed to hold outside employment as long as it does not interfere with their City responsibilities. Individuals are prohibited from engaging in outside employment activities while on the job or using City time, supplies, or equipment in the outside employment activities. The Business Administrator may request that individuals restrict their outside employment if the quality of their City work diminishes. Any individual who holds an interest in, or is employed by, any business that is doing business with the City must submit a written notice of these outside interests to his or her supervisor, Department Director, and the Business Administrator.

Employees, officials, volunteers or individuals who may be performing work on behalf of the City may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their City duties. Under no circumstances may a City employee or elected official accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the City or any person or firm seeking to influence City decisions. Meals and other entertainment valued in excess of $10.00 are also prohibited. Individuals are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift, including meals and entertainment, that is in violation of this policy.

Employees, officials, volunteers, or individuals who may be performing work on behalf of the City may not receive or enter into any agreement, whether express or implied, for compensation for services to be rendered in relation to any matter before the City or one's own
department over which the individual has jurisdiction or to which the individual has the power to appoint any member, officer, or employee.

Employees, officials, volunteers, or individuals who may be performing work on behalf of the City may not receive or enter into any agreement, whether express or implied, for compensation for services to be rendered in relation to any matter before any agency of the City, where the individual's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision will not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

Employees, officials, volunteers, or individuals who may be performing work on behalf of the City who also participate in the discussion or gives an opinion to the City Council on any legislation before the City Council must publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the individual has in such legislation.

Employees, officials, volunteers, or individuals who may be performing work on behalf of the City may not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with their official duties.

Employees, officials, volunteers or individuals who may be performing work on behalf of the City may not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests, when such employment or service creates a conflict with or impairs the proper discharge of their official duties.

Employees, officials, volunteers or individuals who may be performing work on behalf of the City may not disclose confidential information acquired in the course of official duties or use such information to further personal interests.

Employees, officials, volunteers or individuals who may be performing work on behalf of the City may not, after the termination of service or employment with the City, appear before any City board or agency regarding any case, proceeding or application in which the individual personally participated during the period of service or employment or which was under the individual's active consideration.

In addition to any penalty contained in any other provision of law, any person who shall knowingly violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

**Political Activity Policy**

Employees, officials, volunteers, and other individuals who may be performing work on behalf of the City have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees, officials, volunteers and other individuals who may be performing work on behalf of the City are prohibited from.
engaging in political activities while performing their public duties and from using City time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Director, Personnel Officer and Business Administrator or the Corporation Counsel.

Employee Evaluation Policy

The Department Director will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed, as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Director will review the results with the employee and return the form(s) with the signed acknowledgement to the Business Administrator. After the Business Administrator reviews these documents, they are to be forwarded to the Personnel Officer to include in the employee’s official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator or Personnel Officer.

Employee Discipline Policy

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report his or her absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the City, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on City property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on City property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on City property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
• Soliciting on City premises during work time. This includes, but is not limited to, distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.

• Careless waste of materials or abuse of tools, equipment, or supplies.

• Deliberate destruction or damage to City or suppliers' property.

• Sleeping on the job.

• Carrying weapons of any kind on City premises and/or during work hours, unless carrying a weapon is a function of an employee's job duties.

• Violation of established safety and fire regulations.

• Unscheduled absence and chronic or excessive absence.

• Chronic tardiness.

• Unauthorized absence from work area and/or roaming or loitering on the premises during scheduled work hours.

• Defacing walls, bulletin boards, or any other City or supplier property.

• Failure to perform duties, inefficiency, or substandard performance.

• Unauthorized disclosure of confidential City information.

• Gambling on City premises.

• Horseplay, disorderly conduct, and use of abusive and/or obscene language on City premises.

• Deliberate delay or restriction of your work effort and/or incitement of others to delay or restrict their work effort.

• Conviction of a crime or disorderly persons offense.

• Violating any City rules or policies.

• Conduct unbecoming a public employee.

• Violation of City policies, procedures, and regulations.
• Violation of Federal, State or City laws, rules, or regulations concerning drug and alcohol use and possession.

• Misuse of public property, including motor vehicles.

• Unauthorized use of computers, Internet, and email.

• Other sufficient cause.

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

In cases of employee misconduct, the City believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions, and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and Department Directors may use corrective tools such as verbal reprimand, Business Administrator review, written reprimand, suspension, fines, and dismissal. At the City’s discretion, discipline may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee’s work/disciplinary record.

Neither this manual nor any other City guidelines, policies, or practices create an employment contract. Unless provided otherwise by the New Jersey Civil Service Act or an applicable collective negotiations agreement, employment with the City may be terminated at any time, with or without cause or reason, by the employee or the City.

Resignation Policy

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

Work Force Reduction Policy

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

Driver’s License Policy

Any employee whose work requires the operation of City vehicles must hold a valid New Jersey State Driver’s License.

All new employees who will be assigned work entailing the operation of a City vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of their employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

An employee who operates a vehicle that requires a commercial driver’s license (CDL) must maintain such license throughout his or her employment. Pursuant to the federal Commercial Motor Vehicle Safety Act of 1986, a commercial driver must notify the City within 30 days of a conviction of any traffic violation, except parking violations, no matter where or what type of vehicle the employee was driving at the time. A copy of the CDL license will be given to the Personnel Officer to be maintained in the employee’s personnel file.

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

Any employee performing work that requires the operation of a City vehicle must notify his or her immediate supervisor in those cases where his or her license is expired, suspended, or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee who fails to report such an instance to his or her immediate supervisor is subject to disciplinary action, including, but not limited to, demotion or termination. An employee who fails to immediately report such revocation or suspension to his or her supervisor and continues to operate a City vehicle shall be subject to possible termination.

Any information obtained by the City in accordance with this section shall be used by the City only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver’s Privacy Protection Act, 18 U.S.C. § 2721 et seq.
SECTION TWO:

WORKPLACE POLICIES

Job Description Policy

A job description, which shall include qualifications, shall be maintained for each City position, including those positions subject to the N.J. Civil Service Commission guidelines. All job descriptions must be approved by the Business Administrator, and the Personnel Officer will make copies available upon request.

Attendance Policy

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. In the event an employee is tardy reporting to work at his or her scheduled time and the absence was not pre-authorized, the employee must notify his or her immediate supervisor at least one hour prior to the employee’s scheduled starting time. The reason for the tardiness and the expected time of arrival must be provided to the employee’s immediate supervisor.

An employee who reports to work more than 15 minutes late may be docked pay, and disciplinary action may be taken against an employee.

In the event that an employee is not able to report to work, the employee must notify his or her immediate supervisor each day of the absence and state the reason for the absence. In the event that the absence was pre-authorized, this requirement is waived.

For scheduled absences, requests for scheduled time off must be submitted in writing to the employee’s immediate supervisor at least 72 hours in advance. The reason for the absence must be indicated on the request. Vacation requests must be submitted in accordance with the Vacation Leave Policy herein. All requests for time off are subject to approval by the employee’s Department Director on a case-by-case basis, with notification within 24 hours to the employee whether the request is granted.

For unscheduled absences, an employee who is not able to report to work must personally contact his or her immediate supervisor at least one hour before the employee’s scheduled starting time. The employee must speak directly with the supervisor, indicating the reason for the absence and when the employee expects to return to work. Asking another person to call in on the employee’s behalf is not permitted, and leaving a message on an answering device or with a co-worker is also not permitted. Notification requirements may be waived in emergencies.

Notification of an absence to the employee’s immediate supervisor does not automatically mean that the absence is authorized. Any time off from work that is without approval from the employee’s immediate supervisor is considered an unexcused
absence, which is without pay and may result in disciplinary action, including, but not limited to, termination.

**Early Closing and Delayed Opening Policy**

In the event of unsafe conditions, the Business Administrator may authorize Department Directors to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Business Administrator shall notify Department Directors of a delayed opening and a new opening time. Each Department will have a system in place to notify employees. If an employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for absences during these circumstances for a legitimate illness. This provision does not apply to any City employees who may be required to assist in an emergency.

**Breaks**

Administrative personnel are entitled to a one-hour lunch that is to be arranged by his or her supervisor so that City offices continue to function. Other City employees are entitled to a one-hour lunch break, which will be scheduled by the supervisor. Unless otherwise directed, an employee may leave the work site during the one-hour lunch break.

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

An employee who is a member of a collective bargaining unit is not covered by the provisions set forth above and should refer to the applicable collective bargaining agreement.

**Dress Code Policy**

An employee’s dress, grooming, and personal hygiene must be appropriate for his or her position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards or as provided in a collective bargaining agreement. The City provides an allowance towards uniforms and maintenance pursuant to the applicant collective bargaining agreement. Such employees are expected to wear the uniform, or they will be subject to disciplinary action.

All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, such as skirts of an inappropriate length or articles of clothing that reveal bare shoulders, backs, or midriffs. Employees shall also not wear athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats, stirrups, stretch pants, tank tops, halter tops and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, mustaches, and beards must be
clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Business Administrator, the City will make reasonable religious accommodations that do not violate safety standards.

Fridays are designated as casual day, where employees are permitted to dress in a more casual fashion than is normally required. Casual day does not apply to employees who are required to wear uniforms or other types of special clothing. On casual days, employees are still expected to present a neat appearance.

In all cases, the City reserves the right to determine what is acceptable and appropriate. The City reserves the right to send an employee home to change when his or her attire is deemed inappropriate or send him or her home without pay.

No Smoking Policy

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

Use of Vehicles Policy

City-owned vehicles shall be used only on official business, and all passengers must be on City business. Said vehicles and equipment may not be used for the personal use or private gain of any official or employee, nor for any other purpose which is not in the general public interest.

For compliance with this Policy, the following standards must be met at all times:

- City vehicles and related equipment must remain under the general administrative jurisdiction and direction of the Department Director to whom it is assigned.

- City vehicles must be assigned to specific City officials and employees for specific purposes and tasks. Said vehicles may not be used for any unauthorized purpose nor to conduct personal, private, or non-City-related business.

- City vehicles must always be operated in a safe and responsible manner, and in compliance with all applicable motor vehicle and traffic laws in effect. Employees are responsible for any driving infractions or fines that result from their operation of City vehicles and must report those infractions or fines to their
Department Director. In the event of an accident, regardless of severity, the employee must file an accident report with the applicable Department Director within 24 hours of the accident.

- City vehicles may not be used to transport persons who are not officials or City employees or material unrelated to conducting official City business without direct authorization from the Department Director or the City Council.

- City vehicles must always be maintained in a safe and secure condition when not in use, including being locked and/or under direct observation, and all keys maintained under controlled and authorized jurisdiction of the appropriate Department Director. The employee is responsible for notifying his or her immediate supervisor of any needed maintenance or repair work on a City vehicle.

- No advertisements, signs, bumper stickers or other markings of a political or commercial nature may be displayed on City vehicles at any time, except those of a limited community service and/or commercial nature which have been authorized by a Department Director or the City Council.

- An employee who is also employed by another governmental entity may use a City vehicle for that employment only if the employment is pursuant to an inter-local agreement between the City and the other jurisdiction.

- Vehicles may be taken home only with the advance approval of the Business Administrator, except a Department Director may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a City vehicle, it is to be used only for official City business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action.

**Telephone Usage Policy**

City-provided telephones and cell phones are for official business, and accordingly, employees must adhere to the following guidelines:

- City employees must answer a City telephone promptly and speak in a clear, friendly and courteous tone.

- An employee must give the name of the department or office and his or her name when answering a City telephone. If the call is not for the employee who answers, he or she must transfer the caller to the correct party or take a message recording all pertinent information.

- If the call must be placed on hold, the employee who answered the call must return to the line frequently to confirm that the call is being transferred.
• During office hours, each employee must ensure that there is an employee available in the department or office to answer telephones. If the department or office has limited staff, arrangements must be made with another department or office for telephone coverage, or an answering device should be operating.

• Collect calls should not be accepted without the approval of the Department Director or supervisor.

• An employee may not make or receive personal telephone or cell telephone calls during work hours, except in an emergency or to check briefly on family matters.

• An employee may make personal local telephone calls during a meal break; however, such calls should be limited in duration and frequency, and they must not interfere with the performance of the employee’s other job duties.

• An employee may not make or receive personal calls on a City telephone or City-issued cellular phone that will result in additional charges to the City, except in an emergency and/or with the Department Director’s prior approval. The employee must reimburse the City for the cost of such calls.

• The use of hand-held cell phones while driving City vehicles or while driving on City business is strictly prohibited.

Electronic Mail, Voice Mail, Computer and Internet Usage Policy

City electronic mail (“e-mail”), voice mail, and the Internet are for official business, and use for non-business purposes is prohibited. All e-mail, voice mail, and Internet messages are public records subject to possible disclosure pursuant to the provisions of the Open Public Records Act. Department Directors or assigned personnel have the authority to inspect the contents of any computer equipment, data/files or e-mail of their subordinates in the normal course of their supervisory responsibilities. In addition, the data/files of Department Directors and supervisors may be inspected by the Mayor in the normal course of duty.

The City reserves the right to monitor, obtain, review, and disclose all e-mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the City as is deemed necessary and appropriate.

By using City e-mail, computer systems, voice mail and the Internet, each employee agrees that the City has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with
software license policies and complying with legal and regulatory requests for information. E-mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Except in emergency situations or as part of their officially-assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies to off-duty scenarios regarding any law enforcement-related activities. Any photographs, images, or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code, guideline or directive concerning storage, release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisor as soon as practical. For the purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief and may include accidents, crimes, and flight from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people, or job-related incidents or occurrences taken with a personal or agency analog or digital device, camera or cellular telephone to any person, entity, business, or media or Internet outlet, whether on- or off-duty, without the express written permission of the Business Administrator.

Employees who maintain personal web pages and web sites, including, but not limited to, Facebook, YouTube, MySpace, Twitter, Instagram, etc., shall not post information on such sites that would constitute a violation of the City's personnel policies if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflect on the employee's fitness for duty or constitutes a violation of the City’s personnel policies.

Employees are also prohibited from the following conduct- a list that is intended to be illustrative and not exhaustive:

• Any illegal activity or violation of copyright laws, including the copying or distribution of copyrighted materials without the author’s permission.

• Distributing chain letters.

• Transmitting e-mail containing confidential or proprietary information or trade secrets.

• Any form of slander or defamation.

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• Verbal or written obscenities, vulgarities, or threats of harassment.

• Transferring obscene or suggestive messages or graphic images.

• Any unauthorized commercial activity.

• Accessing a site that contains sexually-explicit or otherwise offensive material.

• Accessing, or attempting to access, the computer files, e-mail or voicemail messages of a coworker without appropriate authorization from the coworker or supervisor.

• Using another person's password to gain access to the network.

• Harming or destroying data/files, other than editing or deleting information in the normal course of their job duties.

• Using personal software.

• Using entertainment software, such as games or puzzles.

• Engaging in instant messaging, KAZAA, Morphius, MP3 downloading or other Point-to-Point services, unless otherwise approved by a Department Director.

• Installing or using any hardware or software not owned by the City.

• Installing or using City-owned hardware or software for any use other than City-related business.

• Reproducing, transferring, downloading, modifying, deleting or sharing City data or files with any business or other non-City enterprise or for the employee's personal use

• Installing or knowingly and willfully propagating any software that an employee is aware, or has reason to believe, contains a computer virus, worm, Trojan horse or trapdoor program code.

Violations

Individuals violating this policy shall be subject to appropriate disciplinary actions. Discipline may include but is not limited to:

1. Use of the network(s)/computers only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension;
7. Dismissal;
8. Legal action and prosecution by the authorities; and/or
9. Any appropriate action that may be deemed necessary as determined by the City.

Bulletin Board Policy

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

SECTION THREE:

PAID AND UNPAID TIME OFF POLICIES

Scope:

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

Paid Holiday Policy

The City observes the following holidays, and therefore, employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

All permanent, full-time employees are eligible for holiday pay at their regular rate of pay. Part-time, temporary, and seasonal employees are not eligible for holiday pay.

Unless otherwise authorized, employees must work the scheduled workday before and after a designated holiday in order to receive holiday pay.

In addition to the dates of observance for the above-designated holidays, the City and unions will designate an additional holiday annually.

A full-time FLSA non-exempt employee who is required to work on a designated holiday will receive holiday pay plus wages at one and one-half times the employee’s regular rate of pay. An employee called out to work on New Year's Day, Easter Sunday, Thanksgiving Day or Christmas Day shall receive a stipend of $90.00, which shall not apply to employees who are working overtime that day. A part-time, temporary or seasonal employee who works on a designated holiday will be paid at the employee’s regular rate of pay.

Employees who are members of a collective bargaining unit are not covered by these provisions and should refer to the applicable collective bargaining agreement.

**Vacation Leave Policy**

Full-time employees are eligible for paid vacation leave in accordance with this policy. Part-time and ten-month employees will be credited with 10 days of paid vacation leave, proportionate to the number of months worked in a year, in anticipation of continued employment. Temporary and seasonal employees are not eligible for paid vacation leave but may be allowed to take time off without pay provided that the employee has prior approval from the Department Director.

The amount of vacation leave is based on the average number of hours an employee is normally scheduled to work each week. An employee may take vacation leave only after this has been credited. The employee will be credited on January 1 for the vacation leave earned during the previous year. Years of service as of January 1 determine the amount of vacation leave accrued.

A newly-hired, full-time employee will receive one working day for the initial month of employment if the employee begins work on the 1st through 12th day of the calendar month, and one-half working day if the employee begins work on the 13th through 22nd day of the month. After the initial month of employment and up to the end of the first calendar year, a newly-hired full-time employee will receive one working day for each month of service. A part-time and 10-month employee will be credited with a maximum of 10 days of paid vacation leave within the first calendar year of employment. After that date, a full-time employee will be credited with paid vacation leave in accordance with a
vacation schedule that relates the number of years of service with a corresponding amount of vacation leave.

Information regarding the number of years of service and the associated number of vacation days credited is available from the Department Director or Payroll Division. An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement for this information.

An employee must receive prior approval from the employee’s Department Director to take vacation leave. Vacation requests should be submitted by no later than December 31 of each calendar year. Timely requests will be honored in order of seniority within each operational unit, which will be determined by the Department Director. The Department Director will have total discretion in the approval of vacation leave and will make decisions in order to maintain minimum manpower requirements. Vacation leave credits may not be used in increments of less than one-half day.

An employee may carry over one year’s vacation leave credits remaining unused at the end of the last business day of the calendar year into the succeeding year only. If not taken by the end of the succeeding year, the vacation leave credits will be forfeited. An exception to this policy is that vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority and approved by the N.J. Civil Service Commission. Use of or compensation for such leave shall not be subject to collective negotiation or collective bargaining.

In the event a designated holiday occurs on an employee’s normal workday and the employee is on paid vacation, the employee will receive holiday pay for the day, and the employee’s vacation leave credits will not be charged for that day.

An employee who resigns, retires, or is laid off will receive cash payment for eligible unused vacation leave to which the employee is properly entitled at the employee’s then-current rate of pay up to a maximum of two year’s vacation leave credit. To be eligible to receive this payment, an employee who is to resign or retire must give written notice at least two weeks in advance of the last day of employment. Use of vacation leave in anticipation of resignation without advanced notification to the City of such resignation may result in the City seeking repayment for paid vacation leave.

In the event an employee leaves his or her employment due to disciplinary action, the employee will not receive a settlement for unused vacation leave. In cases of death of an employee, the City will pay the employee’s estate for any eligible unused vacation leave.

An employee who is a member of a collective bargaining unit is not covered by the Vacation Leave provisions set forth herein and should refer to the applicable collective bargaining agreement.
Personal Leave Policy

Full-time employees are eligible for one day of paid personal leave each year, which will be credited on January 1 of each year. An employee may only take personal leave after it has been credited.

An employee may use a personal day to conduct personal business that cannot be conducted outside of normal working hours, non-emergency medical and dental appointments and personal emergencies. In no event may a personal day be used on the scheduled workday immediately prior to or following a holiday or vacation, in lieu of sick leave or other leaves of absence, except to extend bereavement leave. A personal day may not be used in increments of less than one-half day.

Part-time, temporary, and seasonal employees are not eligible for paid personal leave.

New employees will be credited with one day of paid personal leave after being hired on each January 1 thereafter.

An employee must receive prior approval from the employee’s Department Director to take a personal day. The Department Director will have total discretion in the approval of personal leave.

Any unused personal leave credits are forfeited at the end of each calendar year if they are not used.

An employee whose employment with the City is terminated for any reason, including retirement, will not receive cash payment for unused personal leave.

An employee who is a member of a collective bargaining unit is not covered by the Personal Leave Policy and should refer to the applicable collective bargaining agreement.

Sick Leave Policy

Full-time employees are eligible for paid sick leave in accordance with this policy. A part-time and ten-month employee is eligible for paid sick leave on a prorated basis. Temporary and seasonal employees are not eligible for paid sick leave.

Full-time employees will be credited with 15 days of paid sick leave each January 1 in anticipation of continued employment. Part-time employees will be credited with 10 days of paid sick leave each January 1 in anticipation of continued employment. Sick leave is based on the average number of hours an employee is normally scheduled to work each week.

A newly-hired employee will be credited with one day of sick leave credit for the initial month if work begins on the 1st through 8th day of the month, and one-half day of sick leave credit for the initial month if work begins on the 9th through 23rd day of the month.
After the initial month, the employee will be credited with one working day per month for each month of service up to the end of the first calendar year.

An employee will be credited with sick leave credits while on a paid leave of absence, but not while on an unpaid leave of absence.

In the event an employee must take sick leave, the employee must notify the immediate supervisor at least one hour before the employee's scheduled reporting time. The notification must be made personally to the immediate supervisor, unless the immediate supervisor authorizes the use of an answering device for this purpose. Unless an extended sick leave absence has been authorized, the employee must notify the employee's immediate supervisor each day of the absence. These procedures must be followed to receive paid sick leave.

Sick leave may be used because of personal illness or injury, exposure to contagious disease, care of a seriously-ill immediate family member (for a reasonable period of time), and death in the employee's immediate family (for a reasonable period of time). Sick leave may be used by a disabled employee for absences related to the acquisition or use of an aid function on the job (reasonable proof may be required). Sick leave credits may not be used in increments of less than one-half day. Department Directors shall have sole discretion as to what constitutes "a reasonable period of time," as referred to above.

The City may require medical verification of an employee's absence if the City perceives one or more of the following: (i) the employee is abusing sick leave, (ii) the employee has used an excess amount of sick leave; or (iii) when an employee is absent for more than five consecutive workdays due to an illness or injury. If an employee is on an authorized leave of absence, the provisions of the Family and Medical Leave Policy in the Handbook shall apply.

Any employee who, after investigation, is found to have abused the use of sick leave or falsifies supporting documentation will be subject to disciplinary action.

An employee does not receive payment for accumulated sick leave not taken at the time of retirement. An employee who resigns or whose employment with the City is terminated does not receive payment for accumulated sick leave not taken at the time of separation.

Sick leave incentive:
If an employee does not take sick leave for specific periods of time during the calendar year (e.g., full year, January 1 through April 30, etc.), the employee shall receive full year or partial period incentive payments. Information regarding the specific periods of time and the associated incentive payment is available from Department Directors and the Personnel Officer. An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement for this information. An absence totaling five days or more in a calendar year shall render the employee ineligible for partial period payments. The money shall be paid in January of the following year.
Employees must consistently conform to time record/time clock rules to be eligible for incentive pay. For the purpose of this benefit, consistent conformance is defined as “failing to punch a time clock, less than ten working days during the year, when beginning or ending work.”

Bereavement Leave Policy

In the event of a death of a full-time employee’s immediate family member, the employee may take a paid leave for up to three consecutive days from the employee’s regularly-scheduled work. Such leave will not be subtracted from any of the employee’s leave credits. A part-time, temporary or season employee is not eligible for paid bereavement leave but may be allowed to take time off without pay provided the employee has prior approval from the Department Director.

For purposes of bereavement leave, “immediate family member” will mean the following: spouse, parent, stepmother, brother, mother-in-law, grandmother, guardian, brother-in-law, child, stepchild, stepfather, sister, father-in-law, grandfather, grandchild, and sister-in-law.

With authorization from the employee’s Department Director, an employee may use vacation leave credits and/or personal leave credits to extend a bereavement leave. The Department Director will have total discretion in the approval of an employee’s extended bereavement leave, based upon the needs of the department.

In the event of a death of a full-time employee’s family member who is a relative not included in the definition of immediate family, the employee may use leave credits and/or personal leave credits. The Department Director will have total discretion in the approval of an employee’s bereavement leave based upon the needs of the department.

An employee who is a member of a collective bargaining unit is not covered by the Bereavement Leave provisions set forth above and should refer to the applicable collective bargaining agreement.

Jury Duty Policy

Except as otherwise provided by a collective bargaining agreement, the following procedure shall apply regarding jury duty.

Jury leave:
In the event a full-time employee is required to perform jury duty on a day the employee is scheduled to work, the employee will receive paid jury duty leave for the employee’s normal work hours. Such leave will not be subtracted from any of the employee’s leave credits. A part-time, temporary, or seasonal employee shall receive paid jury duty leave if the employee is scheduled to work for the City on the day the jury duty is served. An employee is obligated to notify the Commissioner of Jurors that the City is paying the
employee's full pay during jury duty. An employee can collect and keep any mileage expense reimbursement that may be issued by the court system for performing jury duty. Any other fees received must be submitted to the City.

Notification of jury duty:

When an employee receives notice to report for jury duty, the employee must immediately submit a copy of the notice to the employee's immediate supervisor.

Return to duty:

If an employee is released early from jury duty on a given day, the employee must contact his or her immediate supervisor to discuss reporting requirements.

Accrual of benefits:

The City will continue to provide health insurance benefits for an eligible employee during the jury leave. Vacation leave, sick leave and holiday benefits will continue to accrue during jury duty leave.

Leave of Absence Policy*

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the City.

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

Family and Medical Leave Act Policy*

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the City;
and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

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

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee’s own serious health condition that makes the employee unable to perform the functions of the employee’s position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician’s certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The City reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Personnel Officer.

Beginning July 1, 2009, Family Temporary Disability (“FTD”) payments for up to six (6) weeks in a twelve (12) month period became available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of $524 per week (this amount is subject to change). FTD runs concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation, or personal leave for up to two weeks.

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

Employees may also be eligible for an unpaid leave for up to twenty-six (26) weeks in a year to care for a family member on active duty in the military or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a member of the National Guard or Reserves is called to active duty and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling.

Military Leave Policy

When a full-time employee, either permanent or temporary, who is a member of the reserve component of any United States armed force or the National Guard of any state, including the Naval Militia and Air National Guard, is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. (Thereafter, the leave shall be without pay but without loss of time) or (thereafter, the employee shall be paid the difference between military salary and the employee’s regular salary.) The paid leave will not be counted against any available time off, including, but not limited to, vacation, sick, or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave, plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the City group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.
SECTION FOUR:

COMPENSATION & EMPLOYEE BENEFITS POLICIES

Scope:

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

Direct Deposit Policy

The City may require all employee compensation to be directly deposited into checking, savings, and/or share accounts. Employee compliance will be mandatory with the exception of seasonal and temporary employees. N.J.S.A. 52:14-15a with New Jersey P.L. 2013, c.28 as amended by Assembly Bill No. 720.

Payroll Policy

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee’s title. Employees are paid biweekly, and paychecks will be issued on Wednesdays.

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

Overtime Compensation Policy

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

All other employees are classified as Non-Exempt under the Federal Fair Labor Standards Act and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the
Department Director. An employee is not entitled to overtime pay for additional hours worked without the proper authorization. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of the employee's normal workweek in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensatory time off. The maximum number of hours that an employee may accrue for future compensatory time off is two-hundred and forty (240) hours. The intent of compensatory time off in lieu of overtime payment is to provide time in addition to vacation leave and personal leave for an employee to earn time off the job. The employee and management should make every effort to use all compensatory leave credits within the calendar year that they are earned at times mutually agreed between the employee and Department Director in a way that does not unduly disrupt Department operations.

Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

Health Insurance Policy

Employees and their immediate family members, including a civil union partner, are provided health insurance coverage. The City reserves the right to change provider networks, claims agents, and insurance mechanisms (fully insured versus health insurance fund, e.g.). The complete benefit plan is on file in the Personnel Officer's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the City.

Eligibility - The City will make available medical insurance coverage to each full-time employee and Elected Official and their eligible family members. A part-time, temporary, or seasonal employee is not eligible for medical insurance coverage.

Plan - The City Council may, at its discretion, change the medical insurance plan at any time, including, but not limited to, type of coverage, and type of carrier.

When Coverage Begins - Coverage will begin on the first day of the month following the completion of two full calendar months of employment, or on the Elected Official's first day of office, provided all eligibility requirements of the insurance plan are met.
Premium Payment - The City will pay the full premium for individual, double (parent/child), or family medical insurance coverage, as the case may be, for each eligible full-time employee or Elected Official.

Union Employees - An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

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

Employees who retire with twenty-five years of service to the City may continue to receive paid health insurance coverage. Employees receiving retiree health benefits must notify the Personnel Officer in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. For more information, consult the Personnel Officer.

Dental Benefits Policy

The City makes available a dental plan to full-time employees and elected officials. Part-time, temporary, or seasonal employees are not eligible for this plan. Dental coverage will begin on the first day of the month following the completion of two full calendar months of employment or on the elected official’s first day of office, provided all eligibility requirements of the dental plan have been met. The City will pay the full premium for an individual, double (married couple) or family dental plan, as the case may be.

The City makes available dental coverage to all eligible, full-time employees or elected officials who have retired from the City with the appropriate number of years of service. Coverage is also available for eligible dependents if they were covered under the City’s dental insurance plan at the employee’s date of retirement. To be eligible for coverage, the retiree must have at least 25 years of service in a New Jersey accredited pension system. The City Council may, at its discretion, change the dental plan at any time, including, but not limited to, type of coverage, retiree contributions, and type of carrier. The City will pay the full premium for individual dental coverage for each eligible retiree.
An employee who is a member of a collective bargaining unit is not covered by the provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

**Drug Prescription Benefit Policy**

The City will make available a prescription drug plan to each eligible, full-time employee and elected official. Coverage will begin on the first day of the month following the completion of two full calendar months of employment or on the elected official's first day of office, provided all eligibility requirements of the prescription drug plan are met. The City will pay the full premium for an individual, double (married couple) and family prescription plan, as the case may be.

The City will make available prescription drug plan coverage to an eligible full-time employee or elected official who retires from the City with the appropriate number of years of service. Coverage is also available for eligible dependents if they were covered under the City's prescription drug plan at the employee's date of retirement. To be eligible for coverage, the retiree must have at least twenty-five (25) years of service in a New Jersey accredited pension system or after twenty (20) years of service in such a system and attained 62 years of age. The City Council may, at its discretion, change the prescription drug plan at any time, including, but not limited to, type of coverage, retiree contributions and type of carrier. The City will pay the full premium for individual prescription drug plan coverage for each eligible retiree.

An employee who is a member of a collective bargaining unit is not covered by this policy set forth immediately above and should refer to the applicable collective bargaining agreement.

**Optical Benefit Policy**

The City will make available an optical plan to each eligible, full-time employee and elected official. Coverage will begin on the first day of the month following the completion of two full calendar months of employment or on the elected official's first day of office, provided all eligibility requirements for the optical plan are met. The City will pay the full premium for an individual or family optical plan, as the case may be.

The City will not make available optical plan coverage to full-time employees or elected officials who retire from the City.

An employee who is a member of a collective bargaining unit should refer to the applicable collective bargaining agreement.

**Deferred Compensation Policy**
The City offers the opportunity to participate in a City-sponsored Section 457 plan. The benefit of participating in the Section 457 plan is that an employee’s contributions to the plan are deducted from the employee’s paycheck before federal, state, and Social Security taxes are calculated. This reduces the employee’s taxable income and increases net wages. Information about this plan is available from the Personnel Office.

**Retirement Policy**

Under State law, all employees must enroll in the New Jersey Public Employees Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee’s contribution to the Plan will be deducted from the employee’s pay.

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

**Workers’ Compensation Policy**

Employees who suffer job-related injuries and illnesses may be entitled to medical expenses, lost income, and other compensation under the New Jersey Workers Compensation Act. The City covers workers compensation benefits through its membership in a joint insurance fund.

Any occupational injury or illness must be immediately reported to the supervisor or Department Director. The Department Director will notify the Personnel Officer, who will assist the employee in completing and submitting the required forms.

All required medical treatment must be performed by a Workers Compensation Physician appointed by the joint insurance fund. The City reserves the right to select or designate its choice of physician, surgeon, hospital, and/or any medical provider for treatment of job-related injury or illness. If an employee receives medical care from a provider without the City’s prior written authorization, payment for unauthorized medical treatment may not be covered pursuant to the Act.
The City will continue medical insurance coverage for the employee in accordance with the provisions of the Family and Medical Leave Policy in the Handbook.

An employee who is a member of a collective bargaining unit is not covered by the Workers’ Compensation Policy set forth above and should refer to the applicable collective bargaining agreement.

Educational Assistance and Training Policy

Upon the Business Administrator’s prior written authorization, a full-time employee may be reimbursed for a portion of his or her educational expenses directly related to the employee’s job responsibilities. Each expense must be pre-approved by the employee’s Department Director, which approval is subject to sufficient funds in the budget. Employees are strongly urged to obtain this determination before enrolling in a course or program.

Expense Reimbursement Policy

An employee or elected official will be reimbursed for expenses associated with carrying out City business, including, but not limited to, meals, lodging, mileage, parking, highway tolls and training, and membership fees after the Department Director gives authorization and the City Council approves the reimbursement. All required documentation and corresponding receipts must be submitted to the employee’s immediate supervisor in order for the reimbursement to be processed.

An employee who is directed by his or her Department Director or supervisor to use the employee’s own vehicle to conduct City business will be reimbursed at the current U.S. Internal Revenue Service mileage rate.

An employee will be reimbursed for training courses that are directly related to the employee’s present job after the Department Director gives authorization and the City Council approves the reimbursement. Employees must first seek approval from their Department Director before the request is presented to the City Council.

Upon the Business Administrator’s authorization, an employee required to hold membership in a professional organization as part of the employee’s job will be reimbursed for any required dues and/or fees.

An employee who is a member of a collective bargaining unit is not covered by this Expense Reimbursement Policy and should refer to the applicable collective bargaining agreement.
CONFLICT OF INTEREST FORM

Pursuant to the Employee Handbook, I understand that I must abide by the Conflict of Interest Policy. Other than my employment with the City of Hoboken, I have been compensated for employment, including, but not limited to, by the following individuals and/or entities:

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Receipt for Employee Handbook

I acknowledge that I have received a copy of the City's Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head, or the Personnel Officer. Unless otherwise provided by the New Jersey Civil Service Act or applicable collective negotiations agreement, I understand that the City is an "at will" employer, and consistent with applicable Federal and State law, employment with the City is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice.

No supervisor or other representative of the City has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states the City's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with City for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified, or terminated at any time.

Please sign and date this receipt and return it to the Personnel Officer.

Date: ________________________________

Signature: ______________________________

Print Name: ______________________________

Department: ______________________________
RESOLUTION ADOPTING AN UPDATED EMPLOYEE PERSONNEL HANDBOOK

WHEREAS, employee personnel handbooks serve as a valuable tool to convey the City's policies, procedures, and benefits; and,

WHEREAS, the Administration and Corporation Counsel have reviewed and updated the current Employee Handbook, which updated version is attached hereto; and,

WHEREAS, the Administration recommends that the City Council adopt the attached handbook.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hoboken, that the attached updated Employee Handbook is hereby adopted and shall be in full force and effect as of the date of this resolution.

Meeting date: October 19, 2016

APPROVED:

STEPHEN D. MARKS
BUSINESS ADMINISTRATOR

APPROVED AS TO FORM:

BRIAN ALOIA, ESQ.
CORPORATION COUNSEL

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<tr>
<th>Councilperson</th>
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<td>Ravinder Bhalla</td>
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<td>President Jennifer Giattino</td>
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